

# City of Delray Beach

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## Minutes - Final

**Tuesday, August 9, 2022**

**4:00 PM**

**Regular Meeting at 4:00 PM**

**Delray Beach City Hall or Watch on YouTube:**

**[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 Adam Frankel*

*Deputy Vice Mayor Juli Casale*

*Commissioner Ryan Boylston*

*Commissioner Shirley Ervin Johnson*

## 1. ROLL CALL

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

Others present were:

Mr. Terrence Moore, City Manager

Lynn Gelin, City Attorney

**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

City Attorney Lynn Gelin requested to pull Item 6.F. from the agenda to be brought back at the next meeting. She explained the item is the Restrictive Covenant for Pulte Homes.

**approved as amended**

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

3.A. Additions, Deletions, Substitutions

## 4. PRESENTATIONS:

4.A. [22-980](#) FISCAL YEAR 2021-2022 3RD QUARTER FINANCIAL REVIEW

**Sponsors:** Finance Department

**Attachments:** [Quarterly Financial Report FY 2022 Q3 @ 06.30.22 FINAL](#)

Mr. Hugh Dunkley gave a brief overview of exactly where the City is on this the 3rd Quarter Financial Review for FY 21-22. He explained that the City's overall total budget is \$330.8 million, the bulk of which is the general fund. Attention was given to the General Fund budget of approximately \$153 million dollars, the majority of which represents taxes on the revenue side. Looking at the General Fund also gives a litmus of how the City overall is doing financially.

The following details of the General Fund Revenues were highlighted:

**Taxes** - Approximately \$80,000,000 is ad valorem taxes, \$7 million for utility taxes, \$2.9 million for communication services taxes and approximately \$1 million for business tax receipts. At this point last year, roughly \$79 million were collected vs. \$79.2 million in property taxes this year.

**Permits and Fees** - \$8,591,500 significant decrease due to moving the accounting for the building permit revenue and expenses into a separately housed fund which is typically the best practice.

**Intergovernmental Revenue** - \$18,017.56 - The increase was due primarily to the intake of ARPA funds. YTD is approximately \$9 million - some of which will be earmarked for the subsequent year's budget.

**Charges for Services** - \$13,399,063 - budgeted increase for \$781,000 for the Hillsboro Beach Contract with \$247,000 received YTD, increase of approximately \$300,000 for Fire & EMS transport fees. As of June 30th it is \$2.6 million vs. \$2.3 million from same time last year. The increase in parking fees is due in part to the return of individuals to normal activities post COVID.

**Fines & Forfeitures** - \$914,650 - this tends to follow the return of individuals to regular business activities, parking fines, and other types of fines.

**Misc. Revenue** - \$7,753,067 primarily representative of administrative fees, interest income, charges to enterprise funds, rents & royalties, etc.

**Other Sources** - \$3,914,541 - These are budgetary reserves and fund balance carry over from the prior year and encumbrances.

The following details of the General Fund Expenditures were highlighted:

**Personnel Services** - there is a slight salary savings as a result of some vacancies in various departments.

**Operating Expenditures** - The chief objective of the enterprise funds is for the revenues to be sufficient enough to cover their operating expenses.

**Capital Outlay** - Cash and investment position as of June 30th was approximately \$160.9 million dollars in investable resources with \$104 million in the core portfolio; \$25 million for liquidity portfolio and around \$32 million in the bank for the investments. He reported that they outsourced \$104 Million that is actively managed by a 3rd party firm and the liquidity portfolio is near term investment between 0 - 2 years. Mr. Dunkley explained that these funds they try to keep close in case they are needed for cash flow purposes yet remain within the limits of the City's Investment Policy.

**Debt Service** - These are Bonds.

Mr. Dunkley noted for this quarter, that the fixed income investments performed slightly below. The fixed income investments rule of thumb is that fixed income investments value will decrease as interest rates rise. The total return is negative quarter to date, but the bigger picture is that there is positive interest income for the quarter as well as for the year and life to date.

Mr. Dunkley concluded his presentation and was available for questions from the Commission. Mayor Petrolia inquired about the large number for the core portfolio. She also asked why the City had \$160 million in investments and asked was it normal for Cities to have that. Mr. Dunkley replied that this is normal and also explained that of the \$160 million, a certain amount is for reserves less the cash amount of \$31 million.

**4.B.**     [22-1042](#)     PRESENTATION: CITY OWNED PROPERTIES WITH DEVELOPMENT POTENTIAL

**Recommendation:** No Action Required.

**Sponsors:** City Manager Department

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

Mr. Oris gave a detailed presentation on properties owned by the City of Delray Beach. He explained that out of the 235 properties, there are only about 14 properties that may be developable. He detailed the size of each of the properties and what they are currently zoned for and what can be done with the parcels.

Commissioner Boylston asked Mr. Moore what the next steps would be. Mr. Moore explained as time progresses they will be able to offer thoughts on long term vision.

Ms. Gelin also added that the Florida Statute requires an inventory list be maintained. She explained they would be presented with a list by way of a Resolution and the Commission would have to adopt that list so if later there was a desire to donate some of the properties to non profits or other agencies or to use it to create affordable housing, it would be easier to do.

**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

Mr. Moore explained there was no response to any comments or inquiries, however he asked Mr. Metott to give an update on an event proposal at the tennis center, the Lotos Festival Concert at the tennis center, and to offer an update regarding the status of negotiations with Mark Barron and his organization for the upcoming tennis tournament.

Mr. Metott gave a brief update explaining that as part of the Special Events Policy, there are some events that rise to the level of commercial events. An outside promoter is looking to rent the Tennis Center potentially in December for the Lotos Festival Concert which will give them the arena feel and also utilize ticketed seating.

The boxing event is also requested to take place at the Tennis Center in November.

Also Mr. Baron is looking to do a tentative concert series to take place around the time of the Delray Beach Open. Such requests require City Commission approval and are seeking consensus to move forward with these events.

Deputy Vice Mayor Casale asked if it was possible for these events to take place at Old School Square. Again it was explained that they are looking for the arena type of seating and ticketing which the Tennis Center is a better facility for that.

Commissioner Boylston was very much in favor of allowing the concerts at the Tennis Center and refrain from telling people where they should have events.

Commissioner Johnson requested the cost of the 1st boxing event that took place. Mr. Metott did not have that information. Mayor Petrolia shared the sentiments of Commissioner Johnson that the bottom line information is not being provided.

Mr. Metott explained that the costs are built in so there is no loss to the City

and all contracts will come before the Commission.

Vice Mayor Frankel supports it, but feels it needs to make sense for the City.

Ms. Gelin reminded the Commission that this is very preliminary and staff is merely seeking direction to move forward, however, there are some business decisions that will be factored in such as the amount of money that is given by the City for the Tennis Tournament can potentially be lessened which will be a huge win for the City. This is just a good opportunity to open it up for discussion.

Further discussion ensued.

5.A.1. Events:

- Status of negotiations with Mark Baron
- Boxing Event at Tennis Center
- Lotus Festival concert at the tennis center

5.B. From the Public

Public Comment:

**Angie Gray**, who resides at 3765 Riverside Way, reminded the Commission that the taxpayers are getting ready to spend about \$40 million dollars for renovations at Pompey Park and she has been speaking to different users of the park (Delray Rocks, Track) and they mentioned they were not invited to the table. On behalf of the end users, she is requesting there be more multi-purpose fields built and more pickleball courts be added.

**Sheila Townsend**, who resides at 200 NW 5th Avenue, Delray Beach requested that the original drawings be modified to include pickleball at Pompey Park. She commented that Pickleball is one of the fastest growing sports in the United States.

**Yvonne Odoms**, 3905 Lowesome Blvd., Delray Beach commented about a Facebook post regarding the under-use and under-utilization of the baseball fields at Pompey Park. Ms. Odoms expressed that baseball as a sport is underutilized in black communities, but not in Delray Beach. She passed around their 50 year little league golden charter and a proclamation from the City recognizing their 45 years in little league of which 17 player's names went on to play professionally. She asked the Commission to respect the process.

**Andrea Bruton**, Executive Boardmember of NAACP South County Palm Beach Branch and long time resident in Delray as well as a product of

Pompey Park. She expressed that she participated in the Charette that the City put on for Pompey Park. She inquired as to why there is division between football and baseball and recognized the Odom's have worked over 50 years for kids to be exposed to baseball and softball in Delray.

**Pamela Brinson**, resident in Delray Beach expressed that baseball will always be a legacy and a catalyst in Delray because it has turned out some great players and men and she advocates for that. She expressed it is not about subtraction, but rather addition. She spoke about what a legacy is and expressed that they are not trying to replace the fields, but the plans she saw was for multi-purpose fields. So she asked that everyone comes together and reason together.

**Byron Jones**, Delray resident, who played at Pompey Park years ago. He asked when are the shovels going in the ground because it seems that it has been a long time. He commented that in the meantime they figure out how to reallocate some of the purposes of other fields so people can play pickleball since it is a growing sport. He expressed people want to be active, but also people should maintain the same integrity of Pompey Park. He asked that the City figure out a way to accommodate everyone's needs.

**Kyle Holder**, resides at 102 SW 9th Avenue, Delray Beach. He gave statistical information on the establishment of the Delray Rocks, Little League and Pickleball. He expressed his feelings that Pickleball (2016) has not played long enough to positively impact the children in the community nor should they be able to dictate anything that should take place at Pompey Park.

**Ernestine Holiday**, 40 NW 9th Avenue, Delray, stated she is legally assigned to the history of the black community in Delray Beach. She explained up until 1978 their kids did not have any place. There was a community center that their kids were not allowed in. It is her opinion that everyone now wants to go to Pompey Park and she is insulted by that. She questioned why Pickleball players can't use Catherine Strong Park.

**Michael Winn**, 1640 NW 18 Avenue, Delray. Mr. Winn gave an account of his life since birth in Siberia. He expressed that when people have no money, then there is no affordable housing. He feels he can do a lot more than anyone else for Delray Beach.

**Chuck Riddley**, resides at 210 NW 2nd Avenue, Delray Beach expressed the need to first start with inviting the citizens out to educate them on the needs of Pompey Park. He explained that the most recent community discussion started in 2015, 8 years ago all the way through 2021 where 2 key pieces were discussed.

One was the recreation facility in which he gave the Commission kudos for getting that moving forward and the other was the athletic fields. He made a point of correction stating multi-purpose fields were not in the plan and explained what a multi-purpose field was and referenced the Miami Dolphins and Marlins. Finally, he spoke about a \$40 million dollar mistake and not being able to accommodate all the urban needs in the community and he feels there should be a more comprehensive approach.

**Norm Deckman**, President of the Delray Beach Pickleball Club, stated they were invited here this evening to support sports in Delray Beach and not to be beaten up because Pickleball is relatively new to the area. He agreed that they are a charity organization and expressed they are not looking to take over Pompey Park and get rid of football and baseball. He stated personally he supports the sports and kids and adults in Delray Beach, however, Delray Beach is falling behind everyone in the country. He gave an account of the field they use at Katherine Strong Park and its condition. He expressed he does not care where, but urged the Commission to include the building of courts in Delray for Pickleball.

**Quanda Miller**, resident in Delray Beach, questioned whether or not they will they be able to play Pickleball indoors on the basketball courts at the new Pompey Park facility.

**George Long**, 46 N. Swinton, Delray Beach gave a suggestion that since the golf course is not kept up, then turn it into the world's largest Pickleball complex. He referenced a news article in the Palm Beach Post about putting a row of commercial buildings along the golf course and asked that when the time comes, the Commission weigh the significance of losing the iconic curb appeal along Atlantic Avenue.

**Morris Castorffis**, 609 S.W 7th Avenue, he recommended that the Commission form a board to discuss the golf course. He expressed it is probably the worst looking golf course in all of Palm Beach County. He feels monies are not going towards the golf course at all. He urged the Commission to look at it so the golf course can start to bring revenue to the City.

**Alice Finst**, 707 Place Tavant, Delray Beach resident spoke about City owned properties open space and that many of them are parks. She posed a question to the Commission as to why would they want to get rid of the open spaces and turn them into potential development.

**Elizabeth McCue**, 732 SE 3 Avenue in Osceola Park, she referenced Ordinance 71-017 regarding sidewalk parking and also an issue with vehicles parking on the swales which residents are being held accountable for. She asked that Code Enforcement enforce the Ordinance.



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

A motion was made by Deputy Vice Mayor Frankel, seconded by Commissioner Boylston, that the Consent Agenda be approved as amended. The motion carried by the following vote:

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

**approved as amended**

**6.A. [22-887](#) CITY COMMISSION MEETING MINUTES**

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

Regular City Commission Meeting Minutes - March 8, 2022  
Special Meeting Attorney/Client Session - April 19, 2022  
Regular City Commission Meeting Minutes - April 19, 2022  
Workshop Commission Meeting Minutes - May 17, 2022  
Workshop Commission Meeting Minutes - June 7, 2022  
Workshop City Commission Meeting Minutes - June 14, 2022  
Workshop City Commission Meeting Minutes - July 19, 2022  
Regular City Commission Meeting Minutes - July 19, 2022

**Sponsors:** City Clerk Department

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

[March 8, 2022 Regular Commission Meeting Minutes - Draft](#)

[April 19, 2022 Special Commission Meeting Minutes - Draft](#)

[April 19, 2022 - Regular City Commission Meeting Minutes - DRAFT](#)

[May 17, 2022 Workshop Commission Meeting Minutes - Draft](#)

[June 7, 2022 Workshop Commission Meeting Minutes - Draft](#)

[June 14, 2022 Workshop Commission Meeting Minutes - Draft](#)

[July 19, 2022 Regular Commission Meeting Minutes - Draft](#)

[July 19, 2022 Workshop Commission Meeting Minutes - Draft](#)

**approved**

**6.B. [22-885](#) APPROVAL OF INTERLOCAL AGREEMENT FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE SERVICES AND FUNDING, BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY, PURSUANT TO THE ILA FOR FUNDING OF SUCH RESPONSES BETWEEN PALM BEACH COUNTY AND THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY.**

**Recommendation:** Staff recommends the approval of the Interlocal Agreement to receive funding for providing the related regional hazardous materials response team services.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[HAZMAT DB 2022 CAO Approved 5.26](#)  
[Legal Review Checklist ILA with County for City to provide Hazardous  
Material Response Teams](#)  
**approved**

**6.C.**     [22-960](#)     **ITEM(S) A1 - ACCEPTANCE OF A RIGHT OF WAY DEDICATION AT 108  
N. SWINTON AVE.**

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

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the  
owners of 108 N. Swinton Ave.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Item \(A1a\) Right of Way Deed for 108 N Swinton Ave](#)  
[Item \(A1b\) Exhibit A Sketch and Legal description 108 N Swinton Ave](#)  
[Legal Review Right of Way Deed 108 N Swinton Ave Tracy Picut Trust](#)  
**approved**

**6.D.**     [22-961](#)

**Recommendation:** Approve Amendment 1 to the Interlocal Agreement (ILA) for funding Capital  
Improvement Projects between the City of Delray Beach and the Delray  
Beach Community Redevelopment Agency and accept funding for  
additional construction engineering and inspection services (CEI) for the  
NE 3RD Avenue Streetscape Improvement Project in the amount of  
\$30,000 (Project No. 11-024).

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Interlocal Agreement](#)  
[Amendment No. 1 signed](#)  
[Legal Review Checklist form v. 7 Amend No 1 to ILA with CRA for  
construction projects 2021-2022](#)  
**approved**

**6.E.**     [22-990](#)     **GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN &  
BICYCLE SAFETY**

**Recommendation:** Motion to approve the application and award from the Florida Department  
of Transportation (FDOT) in the amount not to exceed \$65,000 for the  
pedestrian and bicycle safety education and enforcement program.

**Sponsors:** Police Department

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

[433144-1-8404 G2A92 City of Delray Beach Contract Approval  
09Jul2022  
Legal Review Form FDOT Bicycle grant 2022 lw](#)

approved

- 6.F. [22-1041](#) APPROVE THE RESTRICTIVE COVENANT MASTER AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PULTE HOME COMPANY, 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 Pulte Home Company, LLC, pursuant to the requirements under Section 4.7 of the Land Development Regulations.

**Sponsors:** City Attorney Department

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

[Carver Square City of Delray Beach WFH Covenant 7-22-22 LG rev  
7-27-2022 rev 8-1-2022 \(clean\) rev 8-3-2022 lg](#)  
tabled

## 6.G. PROCLAMATIONS:

6.G.1. None

## 6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.H.1. None

## 6.I. AWARD OF BIDS AND CONTRACTS:

- 6.I.1. [22-879](#) APPROVAL OF RESOLUTION NO. 119-22 APPROVING AN AGREEMENT WITH GALLS, LLC FOR PUBLIC SAFETY UNIFORMS AND EQUIPMENT, UTILIZING BUYBOARD CONTRACT PROPOSAL INVITATION #670-22 IN THE AMOUNT NOT-TO-EXCEED ESTIMATED AMOUNT OF \$500,000

**Recommendation:** Motion to approve Resolution No. 119-22 to award an Agreement with Galls, LLC for public safety uniforms and equipment, utilizing BuyBoard contract Proposal Invitation #670-22 in the amount not to exceed \$500,000 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon the appropriation of funds.

**Sponsors:** Police Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No 119-22 - GALLS LLC BuyBoard Piggyback](#)  
[Galls, LLC BuyBoard Piggyback Agreement Draft KM 7-8-2022](#)  
[Legal Review Checklist Galls LLC](#)  
[\\_Original\\_RFP\\_670-22](#)  
[Galls, LLC - 670-22](#)  
[Buyboard - Uniforms and Accessories - Contract # 670-22 - Award Letter - National](#)  
[Buyboard - Uniforms and Accessories - Contract # 670-22 - Catalog](#)  
[Nat-Coop-IPA-2018-\(Rev-Signature-2022\)](#)

**approved**

- 6.I.2. [22-783](#)** APPROVAL OF RESOLUTION NO. 91-22 TO AWARD AN AGREEMENT TO PALMDALE OIL COMPANY, FOR OIL / LUBRICANT SUPPLY & SERVICES - \$150,000.

**Recommendation:** Motion to approve Resolution No. 91-22 to AWARD AN Agreement to Palmdale Oil Company for Oil / Lubricant Supply & Services in the estimated amount \$90,000, 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](#)  
[RFB 2022-3398 - Motor Oil Lubricants](#)  
[Martin County Agreement w Palmdale](#)  
[Aggreement](#)  
[Res 91-22 MSA with Palmdale Oil Company Inc Piggyback Martin County Oil and Lubricants](#)  
[Legal Review Checklist MSA Palmdale Oil Company Inc. Piggyback Martin County Oil and Lubricants](#)

**approved**

- 6.I.3. [22-967](#)** APPROVAL OF RESOLUTION NO. 111-22 TO AWARD AN AGREEMENT TO PIPELINE PLUMBING SERVICES OF BROWARD, INC., FOR PLUMBING MAINTENANCE AND REPAIR SERVICES, - \$1,121,800.

**Recommendation:** Motion to approve Resolution No. 111-22 to AWARD AN Agreement to Pipeline Plumbing Services of Broward, Inc. for plumbing maintenance and repair services in the estimated amount \$1,121,800, 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](#)  
[Advertised Bid](#)  
[Complete Excel Tabulation - Plumbing Maintenance and Repair](#)  
[Pipeline Plumbing Bid](#)  
[Agreement - Vendor Signed](#)  
[Exhibit A- Pricing Schedule](#)  
[Res 111-22 Plumbing Maintenance and Repair](#)  
[Legal Review Checklist plumbing agreement](#)

**approved**

- 6.I.4. [22-911](#)** APPROVAL OF RESOLUTION NO. 107-22 TO AWARD AN AGREEMENT WITH HYDROMAX USA, LLC. FOR HYDRANT AND WATER VALVE MAINTENANCE, REPAIR, AND FLUSHING SERVICES UTILIZING SEMINOLE COUNTY SOLICITATION NO. IFB603974-CAR IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$1,175,000 (\$575,000 INITIALLY & \$300,000 PER YEAR RESPECTIVELY).

**Recommendation:** Motion to approve Resolution No. 107-22, to award an agreement with Hydromax USA, LLC., for hydrant and water valve maintenance, repair and flushing services on as needed basis, utilizing Seminole County Solicitation No. IFB-603974-CAR, and authorize the City Manager to approve renewal options, in the amounts below contingent upon appropriation of funds.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 7 WMB 3 5 2021.pdf](#)  
[RESOLUTION NO. 107-22.pdf](#)  
[MSA Hydromax vendor executed.pdf](#)

**approved**

- 6.I.5. [22-922](#)** APPROVAL OF RESOLUTION NO. 108-22 TO AWARD AN AGREEMENT WITH HAWKINS WATER TREATMENT GROUP, INC. (HAWKINS, INC.) FOR PURCHASE AND DELIVERY OF HYDROFLUOSILICIC ACID UTILIZING TOHOPEAKALIGA (TOHO) WATER AUTHORITY SOLICITATION NO. IFB-19-0063 IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$114,500 (\$55,000 INITIALLY & \$59,500 PER YEAR RESPECTIVELY).

**Recommendation:** Motion to Resolution No. 108-22 to award an Agreement with Hawkins Water Treatment Group, Inc. (Hawkins, Inc.) for purchase and delivery of Hydrofluosilicic Acid utilizing Tohopekaliga (Toho) Water Authority Solicitation #IFB-19-0063 in an amount not to exceed \$114,500 and authorize the City Manager to approval renewal options, in the amounts below, contingent upon the appropriation of funds.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Hawkins rev. kwb. 7.8.22.pdf](#)  
[RESOLUTION NO. 108-22 rev. KWB.pdf](#)  
[Hawkins Piggyback Agreement vendor executed.pdf](#)  
approved

## 7. REGULAR AGENDA:

- 7.A. [22-753](#) RESOLUTION NO. 97-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(J)(1)(C) OF THE LAND DEVELOPMENT REGULATIONS, ALLOWING THE SUBMISSION OF A REQUEST TO ABANDON THE RIGHT-OF-WAY LOCATED IN THE 200 BLOCK OF SOUTHEAST SECOND AVENUE IN THE CENTRAL BUSINESS DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

**Recommendation:** Review and consider Resolution No. 97-22.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 97-22 FINAL](#)  
[ROW Abandonment Waiver Staff Report](#)  
[ROW Abandonment Waiver Recommendation of City Engineer](#)  
[Resolution No. 97-22, Applicant Justification](#)  
[Traffic Study Simmons and White](#)  
[Simple Legal Review Approval 97-22](#)

Mayor Petrolia read the quasi-judicial rules into the record which applied to Item 7.A. and 7.B. on the agenda. City Clerk Katerri Johnson swore in all those who wished to give testimony on the item at hand. Mayor Petrolia then asked each Commissioner if they had any Ex Parte Communications to disclose. The following was noted:

**Commissioner Casale:** Everything is on the email server

**Vice Mayor Frankel:** Everything on the email server and he spoke with Mr. Jim Knight

**Commissioner Boylston:** Spoke with the applicant on the phone

**Commissioner Johnson:** She visited the spot and spoke with the applicant.

**Mayor Petrolia:** She visited the spot and also what is on the City server

Ms. Anthea Gianniotis, Development Services Director entered file 2021-236 into the record.

Ms. Bonnie Miskel representing the applicant stated she was sworn in for the record.

Ms. Miskel explained that this is a waiver request for an abandonment. She further explained that this is really about the City Commission deciding whether this waiver can be approved to allow them to go through the process. In accordance with Section 4.4.13 J.1.(c) of the Land Development Regulations (LDR), she explained that the applicant is seeking a waiver to allow the planning and zoning board to consider the abandonment of the improved portion of a former T- alley located adjacent to 201 and 213 SE 2nd Avenue and 206 SE 3rd Avenue. Ms. Miskel explained that the Commission is not acting on the abandonment, but rather the waiver request to see if they meet the requirements of the Code to be able to move the project forward.

Ms. Miskel continued with her presentation.

Ms. Anthea Gianniotis, Development Services Director gave a brief presentation explaining that the bulk of the alley was given up over to private development and now what is left is this little piece. She also explained that there is a myriad of businesses and buildings that are super close to the property line and non-conforming. The other issue is how do they turn around if they are getting rid of the eventual exit out.

Ms. Gianniotis stated while the Commission is not sitting here as the CRA Board, it is important to note that this thoroughway of a public lot is really the logical physical way to get in out of this R.O.W.

Ms. Gianniotis concluded her presentation.

Public comment was opened.

**Mr. George Long**, 46 N. Swinton, Delray Beach, commented that it looks like a very reasonable request and does not hurt anything.

**Mr. Jim Knight**, 85 SE 4th Avenue, Delray Beach, commented that this is a very small alleyway, it is not assemblage, the owner of the property is going to repurpose the existing hut into his office building, and it's not getting torn down. He also stated the convenience store owner next door is fully aware of everything and would very much like the ability to utilize part of the alleyway also.

Seeing no others wishing to give testimony, public comment was closed.

There was no cross examination or rebuttal from staff nor the applicant.

Deputy Vice Mayor Casale commented that she is not inclined to abandon any property, but this seemed very reasonable. She asked the question if this property could be sold.

Ms. Gianniotis replied that there are a lot of the ways R.O.W.'s originate and its through original plats and their easements is given over to public use and if they are dissolved, the property automatically reverts back to how we got it, so, no, it cannot be sold.

Vice Mayor Frankel stated he was on the fence about the request, but he is now in support.

Commissioner Boylston commented that generally he is not in support of this, but there have been a few situations that came before them and this is one of those situations that he will support.

Mayor Petrolia remembers vaguely a discussion on May 3, 2006 talking about alleys, bicycle pedestrian plan to hold on to alleys as a secondary route for bicycle traffic. She is hesitant in approving this. She is also concerned about aggregation of land.

Ms. Gelin asked the Commission to consider only the waiver criteria.

Further discussion ensued.

A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Frankel, that this Resolution be approved. The motion carried by the following vote:

**approved**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Deputy Vice Mayor Frankel, and Commissioner Boylston

**No:** 1 - Mayor Petrolia

**7.B.**     [22-1011](#)

**RESOLUTION NO. 122-22:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MASTER DEVELOPMENT PLAN AND GRANTING FOUR RELATED WAIVER REQUESTS TO THE LAND DEVELOPMENT REGULATIONS FOR DELRAY CENTRAL LOCATED AT 1615 AND 1625 SOUTH CONGRESS AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

**Recommendation:** Review and consider Resolution No. 122-22, approving a Master



Development Plan (MDP) with Waivers for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units, including amenities and an attached seven-level parking structure.

**Sponsors:** Development Services Department

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

[Res. No. 122-22 - Granting Approval of MDP and Waivers lg rev 8-1-2022 \(clean\) \(002\)](#)

[Res. No. 122-22 Exhibit B MDP](#)

[Delray Central Appeal Staff Report](#)

[Delray Central MDP: Waiver Justification Statement](#)

[Delray Central MDP: Parking Along Congress Exhibit](#)

[Delray Central MDP: Landscape Islands Exhibit](#)

[Delray Central MDP: Architecture Plans](#)

[Delray Central MDP: Landscaping Plans](#)

[Delray Central MDP: Engineering Plans](#)

[Delray Central MDP: Survey](#)

[Delray Central MDP: PBC Traffic Concurrency Letter](#)

[Delray Central MDP: Traffic Impact Study](#)

[Delray Central MDP: School Concurrency](#)

[Delray Central MDP: LDR Section 4.4.29 MROC Zoning District](#)

Ms. Anthea Gianniotis entered file number 2021-38 1GP into the record. The swearing in had already been performed. Mayor Petrolia asked if there were any ExParte communications to disclose:

**Deputy Vice Mayor Casale:** Just what is on the City server

**Vice Mayor Frankel:** He spoke to the applicant and also what is on the City server

**Commissioner Boylston:** He spoke with the Attorney

**Commissioner Johnson:** She spoke with the Attorney

**Mayor Petrolia:** Everything is on the City server

Ms. Bonnie Miskell presented on behalf of the applicant for the Delray Central project. She gave a detailed overview of the project stating that it is located on the southeast corner of Linton and Congress and extends south to Germantown Road terminus. She explained it is located within the MROC zoning district - mixed use residential office and commercial. Also the site plan application is for the 271 residential dwelling units with approximately 1100 SF of commercial uses on the ground floor. She explained they have been through full staff level review. It went to P&Z on two (2) occasions. Once in April and again in May. There is a full light

intersection on Germantown Road for the south building 1625 and there is a full median opening for left and right turns for 1615. They are proposing to make some significant changes that will facilitate and improve existing conditions on Congress Avenue. They are asking for 5 waivers. Ms. Miskel explained if it does not get approved, there will be 10 non-conformities under the existing plan. Also, at each meeting, they came back and lessened the non-conformities.

Mr. Jeffrey Barker of 4575 Molina Drive, Coconut Creek stated he was sworn in and proceeded to present explaining that he performed the analysis of the properties along Congress from the city limits at Boca Raton and the South up to Atlantic Avenue on North. He explained there are approximately 43 properties that have frontage along or their primary access to Congress including office retail industrial and multifamily. Thirty-two (32) of those in that corridor are zoned MROC and that does account for the majority of MROC zoning within the city. He explained that as part of the audit, he evaluated the existing front yard setbacks which is relevant to the waiver being discussed. Of the 30 properties which are zoned MROC, at least 24 of them all have front setbacks that exceed MROC maximum setback of 20 feet.

Mr. Joaquin Vargas with traffic engineering showed a couple of slides explaining that he works very well with Palm Beach County and they had some comments on site plan and safety. Further he explained, the proposed residential building is very compatible with the office use from a traffic stand point and traffic doesn't coincide in the peak direction in the morning.

Further details of the presentation was presented.

Ms. Miskel concluded her presentation.

Mayor Petrolia opened the floor for public comments.

#### Public Comment

**Ms. Christina Morrison**, 1000 Mowery Drive, Delray Beach, stated she was sworn in. Ms. Morrison explained there are railroad tracks and I-95 to the east of this project, North is Linton Blvd., South is an industrial use and to the West is Congress Avenue which is a 6 lane highway, therefore she feels there is no negative impact on abutting properties since there aren't any. In addition, she stated this proposal would improve the traffic flow. Ms. Morrison also expressed that Congress Avenue is an industrial area where people work and they need a place to live that is nearby.

**Neal Carson**, 2593 Hampton Circle S., Delray Beach, stated he was sworn in. He stated he has been a resident of Delray Beach for 25 years in Andover and he is the President of Andover Association and the Chairman of the Germantown Road Board. He stated everyone in the area is in favor of what is happening and they collectively feel it will add to the beautification in the area. He spoke of the plan mobility zoning on Congress just south of Yamato Road which is now a mix of residential multifamily and office.

Seeing no one else present, public comments were closed.

Ms. Gelin made it clear to the Commission that what they were presented did not go before the planning and zoning board and her position is the Commission can't make changes to these plans because while it is de Novo, they are not bound to the decision of the lower board. She stated we still should be bound to the application which was submitted. So part of your consideration Ms. Gelin explained was that this evening the Commission can either grant the appeal, deny the appeal, or send it back to the lower board for further discussion.

So not to have to do the entire presentation again, Ms. Miskel asked that it be limited to just the 3 issues she pointed out.

A motion was made by Vice Mayor Frankel and seconded by Commissioner Johnson. The vote was taken as follows:  
**tabled**

**Yes:** 3 - Vice-Mayor Ervin Johnson, Deputy Vice Mayor Frankel, and Commissioner Boylston

**No:** 2 - Commissioner Casale, and Mayor Petrolia

- 7.C.**     [22-1036](#)     PROVIDE DIRECTION TO THE CITY MANAGER CONCERNING THE TERMINATION OF THE INTERLOCAL AGREEMENT (ILA) WITH THE TOWN OF GULFSTREAM FOR BUILDING PERMIT & INSPECTION SERVICES

**Recommendation:** Review and provide direction.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[ILA TOWN OF GULFSTREAM 09302009](#)  
[Gulfstream Moore-Dunham 04262022](#)  
[Gulfstream Draft Notice](#)

Ms. Gelin explained to the Commission that the City has an Interlocal Agreement (ILA) with the Town of Gulfstream for permitting services. Several months ago, a letter was sent to Gulstream asking if they were

going to stay with the City or break the ILA with the City. Meanwhile, Delray Beach learned that Gulfstream is entertaining an ILA with Highland Beach for these various services, therefore, Delray staff is seeking direction from the Commission to find out if they want to terminate the ILA with Gulfstream which requires a minimum 60 day notice.

A motion was made by Vice Mayor Frankel to terminate the Interlocal Agreement with the Town of Gulfstream for building permit and inspection services. It was seconded by Commissioner Johnson.

The motion was as follows:

**approved**

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

**7.D. [22-975](#) NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Recommendation:** Motion to approve the nomination for an appointment for one (1) regular member to serve on the Board of Adjustment for a two (2) year term ending August 31, 2024.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Board of Adjustment 2022](#)  
[BOA 2022 ATTENDANCE](#)  
[Baffer](#)  
[Cullinan](#)  
[Evola](#)  
[Miles](#)  
[Purdo](#)

Deputy Vice Mayor Casale nominated Mr. Michael Miles to the Board of Adjustment. It was seconded by Vice Mayor Frankel. The motion carried as follows::  
**approved**

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

**7.E. [22-976](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD**

**Recommendation:** Motion to approve the nomination of four (4) regular members to serve a two (2) year term ending August 31, 2024.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Planning & Zoning Board 2022](#)  
[PZ 2022 Attendance](#)  
[Baffer](#)  
[Bowens](#)  
[Brewer](#)  
[Brown](#)  
[Charles](#)  
[Cohen, S](#)  
[Cullinan](#)  
[Davey](#)  
[Devitt](#)  
[Evola](#)  
[Jonas](#)  
[Miles](#)  
[Miller](#)  
[Rindos](#)  
[Schulz](#)  
[Snyder](#)  
[Sylvester](#)  
[Thomas](#)  
[Zeller](#)

Deputy Vice Mayor Casale nominated Gregory Snyder to the Planning & Zoning Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Commissioner Boylston nominated Christopher Brown to the Planning & Zoning Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Commissioner Johnson nominated Allen Zeller to the Planning & Zoning

Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Mayor Petrolia nominated Christopher Davey to the Planning & Zoning Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

**approved**

**7.F. [22-977](#) NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD**

**Recommendation:** Motion to approve the nomination for appointment of four (4) regular members to serve on the Historic Preservation Board for a two (2) year term ending August 31, 2024.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Historic Preservation Board 2022](#)  
[HPB 2022 ATTENDANCE](#)  
[Brown](#)  
[Cullinan](#)  
[Finn](#)  
[Land](#)  
[Long](#)  
[Miller](#)  
[Osinoff](#)  
[Schulz](#)  
[Talley](#)  
[Willis](#)

Commissioner Boylston nominated Mr. Rob Long to the Historic Preservation Board. It was seconded by Vice Mayor Frankel. Discussion

ensued. The motion carried as follows:

**NO: 3** Deputy Vice Mayor Juli Casale, Commissioner Shirley Ervin Johnson, Mayor Shelly Petrolia,

**YES: 2** Commissioner Ryan Boylston, Vice Mayor Adam Frankel

The motion failed.

Commissioner Boylston made a second nomination to the Historic Preservation Board and selected John Miller. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Commissioner Johnson nominated Claudia Willis to the Historic Preservation Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Mayor Petrolia nominated Robert Osinoff to the Historic Preservation Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Vice Mayor Frankel nominated Kristin Finn to the Historic Preservation Board. It was seconded by Deputy Vice Mayor Casale. The motion carried as follows:

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

approved

**7.G.**     [22-978](#)

**NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Recommendation:** Motion to approve the nomination for an appointment for five (5) regular members to serve on the Site Plan Review and Appearance Board for a

two (2) year term ending August 31, 2024.

**Sponsors:** City Clerk Department

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

[Exhibit A](#)

[SPRAB Member List 2022](#)

[SPRAB ATTENDANCE 2022](#)

[Adler](#)

[Baffer](#)

[Bowens](#)

[Cohen S.](#)

[Miles](#)

[Purdo](#)

[Rindos](#)

[Thomas](#)

[Warner](#)

[Zeller](#)

Commissioner Boylston nominated Mr. Cohen to the Site Plan Review & Appearance Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Commissioner Johnson nominated Ms. Adler to the Site Plan Review & Appearance Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Mayor Petrolia nominated Ms. Purdo to the Site Plan Review & Appearance Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

Vice Mayor Frankel nominated Ms. Thomas to the Site Plan Review & Appearance Board. It was seconded by Commissioner Johnson. The motion carried as follows:

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



Deputy Vice Mayor Casale nominated Mr. Baffer to the Site Plan Review & Appearance Board. It was seconded by Vice Mayor Frankel. The motion carried as follows:

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

approved

**7.H. [22-1018](#) CITY MANAGER'S MERIT INCREASE**

**Recommendation:** Motion to consider the City Manager's salary review.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[City Manager 2022 Eval Form](#)

Duane D'Andre, Human Resources Director introduced this item. He gave the cumulative score of 2.94 from the Performance Evaluation of Mr. Moore and explained it was up for Commissioner consideration. When asked if he wanted to speak, Mr. Moore explained that per the contractual arrangements, he would like to accept the feedback and will strongly consider the constructive comments and move forward.

Further discussion ensued.

It was recommended that this item be deferred and brought back again in six months for reconsideration.  
**tabled**

**7.I. [22-1040](#) RATIFICATION AND INDEMNIFICATION OF TERRENCE MOORE IN THE MATTER OF CHRISTINE FERRIGAN VS. CITY OF DELRAY BEACH, ET AL**

**Recommendation:** Motion to ratify and indemnify City Manager Terrence Moore in the matter of Christine Ferrigan, vs. City of Delray Beach, et al, pursuant to Section 31.17 of the Delray Beach Code of Ordinances.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[2022-07-25 Christine Ferrigan v. Delray Beach Complaint](#)  
[LEGAL DEFENSE AND INDEMNIFICATION OF OFFICIALS AND EMPLOYEES](#)

Ms. Gelin asked the City Commission to ratify and indemnify Mr. Moore as

he has been named in a lawsuit by a former employee Christine Farrigan to provide him with legal defense and indemnification.

Vice Mayor Frankel motioned to approve the ratification and indemnification. It was seconded by Deputy Vice Mayor Casale. The motion carried as follows:  
**approved**

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

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

### **8.A. [22-929](#)**

ORDINANCE NO. 08-22: 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 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS," TO ADD OUTDOOR USE AREAS AT STAND ALONE BARS AS A CONDITIONAL USE AND ACCESSORY USE; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.6, "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING," SUBSECTION (B), "ALLOWABLE OUTSIDE USAGE," TO INCLUDE PERMANENT SEATING AT STAND ALONE BARS AS AN ALLOWABLE OUTSIDE USE, AND SUBSECTION (C), "RESTRICTIONS ON OUTSIDE USAGE," TO ESTABLISH REGULATIONS GOVERNING OUTSIDE USAGE AT STAND ALONE BARS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

**Recommendation:** Review and consider Ordinance No. 08-22, a privately initiated amendment to Section 4.4.13, Table 4.4.13(A), "Allowable Uses and Structures in the CBD Sub-Districts" and Section 4.6.6, "Commercial and industrial uses to operate within a building," of the Land Development Regulations (LDR) to allow outdoor consumption of alcohol at stand alone bars serving only beer and wine north of Lake Ida Road within the Central Core Sub-District of the Central Business District, and to provide regulations that support the health, safety, and general welfare of the public.

**Sponsors:** Development Services Department

**Attachments:** [Ord. No. 08-22 FINAL](#)[Agenda Cover Report](#)[Ordinance No. 08-22: Staff Report, Outdoor Use Areas at Standalone Bars](#)[Ordinance No. 08-22: Justification Statement](#)[Ordinance No. 08-22: Stand Alone Bars Map, CBD & Residential Zoning](#)[Ordinance No. 08-22: DDA Recommendation](#)[Legal Review, Ord. No. 08-22](#)

City Attorney Lynn Gelin read Ordinance 08-22 into the record. She explained that Mr. Carney provided some additional documentation and a copy was given to Ms. Keiser as well.

Ms. Andrea Keiser, with Keiser Legal located at 55 SE 2nd Avenue, Delray Beach on behalf of the applicant, Hopportunities, also acknowledged that she was sworn in. Ms. Keiser gave a brief presentation. She explained that the purpose of the text amendment is to create a conditional use category and get it evaluated individually on a case by case basis. She reiterated the key differences from the 1st reading is that it was refined to be a bit more conservative in that it must be located in the CBD's Central Core subdistrict north of Lake Ida and that the restrictions were expanding to a 300 foot distance limitation to residentially zoned districts from property line to property line. A copy of the revised memo was provided for the record and a list of the top 16 most popular beers.

After further details on her position on behalf of her client, Ms. Keiser concluded her presentation.

Ms. Anthea Gianniotis, Development Services Director explained that this item is privately initiated and the request is for an amendment to the LDR to allow stand alone bars with 2COP license to have an outdoor accessory use area within the Central Core Subdistrict of the CBD, north of Lake Ida.

She explained that the direction from the City Commission on 1st reading was to try to more narrowly focus the application of this type use in the city. She explained that of all of the alcohol establishments in Delray, Hopportunities is the only one operating under 2COP. Further details of the presentation was explained.

Ms. Gianniotis concluded her presentation.

Mayor Petrolia opened the floor for public comment.

**Public Comment**

**Mr. Tom Carney**, 135 SE 5th Avenue, Suite 202, Delray Beach stated his position that equal protection provides that similar businesses should get treated the same. The licensing of alcohol is through the Department of Revenue and for the collection of taxes. He stated he is for the service of alcohol outdoors, but that it should be a conditional use regardless of 2COP or 4COP. He believes it is unfair to all the other bar owners who have a 4COP license.

Seeing no one else present, public comment was closed.

Commissioners made their comments and expressed their concerns.

Ms. Gelin explained that the law allows them to differentiate, but could be opening up a difficult situation when certain circumstances and situations are considered. She reminded them it is a conditional use and it doesn't end here and impacts have to be mitigated. She disagreed with Mr. Carney's position that the law does not differentiate.

Further discussion ensued.

A motion was made by Commissioner Boylston, seconded by Commissioner Casale, that this Ordinance be denied, but keep the temporary use in place. The motion carried by the following vote:  
**denied**

**Yes:** 3 - Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

**No:** 2 - Vice-Mayor Ervin Johnson, and Deputy Vice Mayor Frankel

**8.B.**     [22-927](#)

ORDINANCE NO. 20-22: 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 4.4.29, "MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL (MROC) DISTRICT," AMENDING THE PURPOSE AND INTENT, ESTABLISHING A STANDARD DENSITY FOR MULTI-FAMILY DEVELOPMENT, TO ENSURE COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES, MAKE CORRECTIVE UPDATES, AND REVISE LANGUAGE TO IMPROVE READABILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

**Recommendation:** Consider Ordinance No. 20-22, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.29, "Mixed Office,

Residential, and Commercial (MROC) District, to bring the regulations into compliance with HB 7103, to make corrective updates, and to revise the language to improve readability.

**Sponsors:** Development Services Department

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

[Ordinance No. 20-22](#)

[MROC Sample Density Calculations](#)

[Ordinance No. 20-22: PZB Staff Report, MROC LDR Amendment](#)

[Ordinance No. 20-22: Tri-Rail Transit Station Radius Study](#)

[Ordinance No. 20-22: Always Delray Map DIA-7 \(Workforce Housing\)](#)

[Legal Review](#)

City Attorney Lynn Gelin read Ordinance 20-22 into the record and reminded the Commission this item is a public hearing. Mayor Petrolia confirmed that this ordinance in accordance with the legislative changes.

The floor was opened for public comment. Seeing no one present, the floor was closed for public comment.

Deputy Vice Mayor Casale motioned to approved Ordinance 20-22. It was seconded by Vice Mayor Frankel. The motion carried as follows:

**approved**

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

**8.C.** [22-795](#)

ORDINANCE NO. 22-22: 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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS, SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (Q), "GUEST COTTAGES," TO AMEND REGULATIONS GOVERNING GUEST COTTAGES, AND CREATING SUBSECTION (QQ), "ACCESSORY STRUCTURES," TO ADOPT REGULATIONS GOVERNING ACCESSORY RESIDENTIAL STRUCTURES; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," AND SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT, TO REFERENCE THE SPECIAL REQUIREMENTS FOR ACCESSORY STRUCTURES;

AMENDING SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," TO ADD GUEST COTTAGES AS AN ACCESSORY USE AND TO REFERENCE THE SPECIAL REQUIREMENTS FOR ACCESSORY STRUCTURES; AND AMENDING APPENDIX A, "DEFINITIONS," RELATIVE TO ACCESSORY STRUCTURES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

**Recommendation:** Consider Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.2, "Rural Residential (RR) District," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," Section 4.4.7, "Planned Residential Development (PRD) District," Section 4.4.17, "Residential Office (RO) District," and Appendix A to adopt a definition for Pool Houses and to amend the Accessory Building Structure, or Use definition.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Accessory Structures: Ordinance No. 22-22](#)  
[Accessory Structures: PZB Staff Report](#)  
[Legal Review](#)

City Attorney Lynn Gelin read Ordinance 22-22 into the record.

The floor was opened for public comment. Seeing no one present, public comment was closed.

Vice Mayor Frankel motioned to approve Ordinance 22-22. It was seconded by Deputy Vice Mayor Casale. The motion carried as follows:  
**approved**

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

## 9. FIRST READINGS:

- 9.A.** [22-826](#) ORDINANCE NO. 18-22: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SUBSECTION

(E), "DUTIES, POWERS, AND RESPONSIBILITIES," TO EXPAND OR CLARIFY THE PLANNING AND ZONING BOARD'S DUTIES, POWERS, AND RESPONSIBILITIES TO NAME STREETS TO INCLUDE ALLEYWAYS OR OTHER PATHWAYS, AND REQUIRE THE NAMING OF STREETS TO COMPLY WITH THE CITY OF DELRAY BEACH ADDRESSING AND STREET NAMING MANUAL; AMENDING CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.3, "DEDICATION AND IMPACT REQUIREMENTS," SECTION 5.3.1, "STREETS (RIGHT-OF-WAY)," SUBSECTION (D), "STREET NAMES," TO REMOVE EXISTING REGULATIONS REGARDING STREET NAMING AND REQUIRE THE NAMING OF STREETS, ALLEYWAYS, AND OTHER PATHWAYS TO COMPLY WITH THE CITY OF DELRAY BEACH ADDRESSING AND STREET NAMING MANUAL; AMENDING CHAPTER 6, "INFRASTRUCTURE AND PUBLIC PROPERTY," ARTICLE 6.1, "DESIGN STANDARDS AND REQUIREMENTS," SECTION 6.1.12, "STREET SIGNS, FURNITURE, AND LANDSCAPING," TO AMEND THE TITLE OF THE SECTION, REMOVE EXISTING REGULATIONS REGARDING STREET NAMING, REQUIRE CITY ENGINEER APPROVAL FOR THE COLOR DESIGN OF STREET NAME SIGNS, AND REMOVE EXISTING REGULATIONS REGARDING THE NUMBERING OF BUILDINGS AND STRUCTURES; AMENDING CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," SECTION 7.1.5, "NUMBERING OF BUILDING AND STRUCTURES," TO REMOVE EXISTING REGULATIONS REGARDING THE NUMBERING OF BUILDINGS AND STRUCTURES AND REQUIRE THE NUMBERING OF BUILDINGS AND STRUCTURES TO COMPLY WITH THE CITY OF DELRAY BEACH ADDRESSING AND STREET NAMING MANUAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AUTHORITY AND DIRECTION TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 18-22 on First Reading, a City initiated amendment to the Land Development Regulations (LDR) to clarify the process for the naming of streets, remove duplicative language, and provide associated corrections or clarifications, and refer to the Addressing and Street Naming Manual.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 18-22](#)  
[Addressing & Street Naming LDR: Staff Report](#)  
[Addressing & Street Naming LDR: DRAFT Manual](#)  
[Addressing & Street Naming LDR: Legal Review](#)

A motion was made by Deputy Vice Mayor Casale, seconded by Vice

Mayor Frankel that this Ordinance be approved on first reading. The motion carried by the following vote:  
**approved on first reading**

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

**9.B.** [22-1025](#)

ORDINANCE NO. 28-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 102, "STREETS AND SIDEWALKS," SECTION 102.25, "RECOMMENDATION AND DESIGNATION OF NAMES AND NUMBERS FOR STREETS", TO AMEND THE TITLE OF THE SECTION, , EXPAND THE INTENT TO INCLUDE THE NAMING OF ALLEYS AND OTHER PATHWAYS, AND REFER TO THE ADDRESSING AND STREET NAMING MANUAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 28-22.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 28-22](#)  
[Ordinance No. 28-22: Legal Review](#)

Deputy Vice Mayor Casale made a motion to approve Ordinance 28-22 on first reading. It was seconded by Vice Mayor Frankel. The motion carried as follows:  
**approved on first reading**

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

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

**A. City Manager**

Mr. Moore explained that the City received a request from the Town of Highland Beach regarding mutual aid support for a fee for service agreement structure relative to fire rescue services.

He explained that the analysis they came up with suggests there is not any merit financially or analytically for the City of Delray Beach to engage.

He was seeking consensus accordingly. Consensus was given.



**B. City Attorney**

City Attorney Lynn Gelin had nothing to report.

**C. City Commission**

**Vice Mayor Frankel** brought up an item that would limit those over the age of 18 to go to our City parks without children. He felt it would be in the best interest of children for adults not to be able to hang out in the parks. He requested it come back and be placed on a future agenda for consideration. Many of the Commission agreed it was an issue, but had reservations about the solution.

**Commissioner Boylston** thanked the DDA for the Jazz on the Avenue event. He thanked Police, Fire, Unity Fest, Parks and Recreation and everyone that came out for National Night Out.

He also brought up that he would like to get consensus to do a future workshop on the City's historical buildings.

He requested two (2) proclamations:

1. Next year on the 1st day of school to name the proclamation after Ms. Yvonne Odom who in 1961 single-handedly integrated Delray Beach schools.
2. Name February 18th as Malachi Demetri Bennett day, a child whose life was taken when he ran out into the road. This would bring awareness to children when playing out in the yard. This could include crossing the street safety, bicycle safety, and pool safety.

A discussion ensued that there was no problem with the first request, but a bit of hesitation with the 2nd request. Further discussion ensued. There was agreement to make it a Pedestrian Safety Day.

There was agreement amongst the Commission to remove the partitions on the dais.

Ms. Gelin reminded Mr. Boylston about the email that was received concerning the repeal of the Conversion Therapy. She asked if the Commission would like her to move forward with drafting a resolution to protect the City's interest.

**Commissioner Johnson** spoke about the campaign signs. She asked that during elections to allow the campaign signs to be placed in the R.O.W. without being moved by Code.

**Deputy Vice Mayor Casale** stated the art show which featured art from the City was very nice, she was also at the Community Center on the last day of Kid Camp. The kids expressed a desire to play tennis and she contacted Mr. Metott about doing something in the after school program. She thanked Mr. Metott also for modifying the prices of the pool usage. She thanked Prentice Mobley on the drive-by food distribution that took place and over 800 meals were distributed. She also wished the interns well and it was an excellent luncheon and it was a big commitment from the Department Heads. It was an amazing groundbreaking for Island Cove. There are 60 Workforce Housing Units and she thanked the City and the CRA and the Housing Authority. She explained that Lynn had some ideas about the PFAST litigation and Ms. Casale spoke briefly with respect to the water treatment plant and recouping some of the money to help with filtering our water. She thanked Lynn Gelin, Gina Carter and Hassan Hadjimiry for always looking out for the taxpayers.

**Mayor Petrolia** expressed concern with some wood rotting and problems with the support beams going on with the Historical Society property. She explained there was a question of whether it was considered maintenance or improvement with respect to their paved parking. She discussed the \$200K that was budgeted in the next fiscal year. There was further discussion about the repair of windows on the property as well. She also expressed concern about the big tree in the front of their building that is diseased. Mayor Petrolia expressed that funds could come out of the tree fund to assist with the matter.

**Commissioner Johnson** also spoke about Spady Museum and Williams Cottage that has as much damage if not more than at the Historical Society.

**10.C.1. [22-988](#)**

REQUEST FOR CONSENSUS TO AMEND SECTION 101.36, "ADDITIONAL RULES APPLYING TO PARKS, RECREATIONAL FACILITIES AND THE MUNICIPAL BEACH" OF THE CODE OF ORDINANCES

SPONSOR: VICE MAYOR ADAM FRANKEL

**Recommendation:** Motion to Direct Staff to Amend Section 101.36, "Additional Rules Applying to Parks, Recreational Facilities and the Municipal Beach," of the City of Delray Beach Code of Ordinances.

**Sponsors:** Frankel

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

[5C1](#)


[MUNICIPAL PARKS BEACHES AND OTHER RECREATIONAL\\_S  
ITES \(current ordinance\)](#)

## **11. ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 9:30 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 August 9, 2022 City Commission Regular Meeting held on August 9, 2022, which minutes were formally approved and adopted by the City on October 11, 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.