

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Minutes - Final

Tuesday, September 6, 2022

4:00 PM

1st Public Budget Hearing/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

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson



City of Delray Beach Minutes

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1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 PM.

The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

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

Others present were:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

Deputy Vice Mayor Casale requested 6.F. be pulled for discussion. It became 7.A.A. on the regular agenda. She also requested 6.I. be pulled. It became 7.B.B. on the regular agenda.

Mayor Petrolia requested to pull 6.T.2. for discussion. It came 7.C.C. on the regular agenda.

Commissioner Boylston motioned to approve the agenda as amended. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED AS AMENDED

4. PRESENTATIONS:

4.A. PARKING AND CURBSIDE MANAGEMENT PLAN

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Parking and Curbside Management PRESENTATION](#)

[Delray Parking Curbside Mgt \(2022.08.31\)](#)

[Parking Curbside Management Plan PZB Staff Report 07182022](#)

[DDA 7-11-22 Comments](#)

[DDA 10-18-21 Comments](#)

[PMAB Comments](#)

Ms. Anthea Gianniotis, Development Services Director, introduced consultant Lisa Nisenson, President from WGI. She provided a historical background since 2010, goals of the plan, main parking challenges, and key observations of existing conditions. She reviewed performance-based planning for managing multi-use infrastructure. She noted for parking, a common action metric is greater than 80-90% occupancy and discussed optimizing existing parking. Ms. Nisenson discussed the strategy of active management and summarized the study analysis, recommendations, implementation, and phasing. She further described the following study areas and approaches: Parking Management and Operations; On and Off-Street Parking; Employee Parking; Valet Operations; Mobility System; Mobility Infrastructure; Legibility, Signage, Wayfinding; Curbside Management and Loading; Connected Garages and By-Pass; and Technology. She finished by reviewing the critical path for the two phases.

Commissioner Boylston asked about e-permits for employees. Ms. Nisenson stated that will be added to the list.

Commissioner Johnson stated the challenge continues to be implementation.

Vice Mayor Frankel stated he would like to see the parking system simplified and also encouraged identification of City parking versus private parking lots.

Mayor Petrolia stated the City could address predatory parking lots. She agreed with Vice Mayor Frankel's comments about simplifying parking. She spoke about helping downtown businesses with free parking on Sundays or during low-traffic times. Mayor Petrolia recommended seeing a presentation to this depth at a workshop.

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 introduced Joe Josemond, the new Parking Facilities Manager. Mr. Josemond provided his background.

5.B. From the Public

Michelle Derich, 23 SW 6th Street, Delray Beach, wanted to know more about the FreeBee service and

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she spoke about parking issues in her neighborhood.

Ron Allen, Founder KOP Mentoring Network, spoke about the library resources.

Sheila Townsend, 200 NW 5th Avenue, Delray Beach, expressed concerns about the Pompey Park proposal and suggested additional changes.

Marjorie Ferrer, representative of Daughters of the American Revolution, spoke about the upcoming 250th Anniversary of the United States in July 2026.

Angie Gray, 3765 Riverside Way, Delray Beach, expressed concerns about the Pompey Park renovation and recommended updating the design with multipurpose fields and pickleball courts.

Ann Payton, member Delray Beach Library Board, spoke about the Library resources and community outreach.

Kim Beckett, 789 Monarch Court, President Delray Beach Library Board, spoke about the library's strategic plan.

Laura Simon, Executive Director of DDA, spoke about the parking and curbside management plan.

Seeing no one else present for public comment, Mayor Petrolia closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commission Boylston motioned to approve the Consent Agenda as amended. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED AS AMENDED

6.A. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:
April 5, 2022, Regular Commission Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[April 5, 2022 Regular City Commission Minutes](#)

APPROVED

6.B. ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT OVER THE SIDE OF 118 SWINTON CIRCLE ADJACENT TO NE 2ND AVENUE AS FURTHER DESCRIBED IN EXHIBIT "B".

Recommendation: Review and consider acceptance of a limited access easement

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agreement over the side of 118 Swinton Circle adjacent to NE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[118 Swinton Circle - Limited Access Easement Agreement](#)
[118 Swinton Circle - Legal Review Form](#)

APPROVED

- 6.C.** PARKS AT DELRAY PLAT: CERTIFICATION OF THE FINAL PLAT, A MAJOR SUBDIVISION, KNOWN AS "PARKS AT DELRAY," GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH CONGRESS AVENUE AND OLD GERMANTOWN ROAD.
- Recommendation:** Review and consider certification of the final plat, a major subdivision, known as "Parks at Delray," generally located at the southwest corner of South Congress Avenue and Old Germantown Road.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Parks at Delray Plat](#)
[Parks at Delray Plat PZB Staff Report](#)
[Old Office Depot Site SAD Rezoning PZB Staff Report 10.05.18](#)
[County TPS Letter](#)

APPROVED

- 6.D.** APPROVAL OF HOLD HARMLESS AGREEMENT FOR 22 WEST ATLANTIC AVENUE

Recommendation: Motion to approve and accept Hold Harmless Agreement.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Sundy Village Hold Harmless for ROW Pavers re Undergrounding](#)
[Ex B Sundy Village Hold Harmless for ROW Pavers re Undergrounding](#)

APPROVED

- 6.E.** RESOLUTION NO. 145-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING RESOLUTION 122-22; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 145-22 repealing Resolution 122-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 145-22](#)

APPROVED

- 6.F.** UPDATED WAGES, SALARY, AND AUTHORIZATION OF NEW PAY GRADE STRUCTURE

Recommendation: Motion to Approve the updated wages, salary and authorization of new

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pay grade structure.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Proposed Pay Plan](#)
[General Emp. Pay Plan 10.01.22](#)

Item 6.F. was pulled for discussion. It became 7.A.A. on the regular agenda.

6.G. APPROVAL OF RESOLUTION 149-22 APPROVING POLICE COMMUNICATIONS AGREEMENT WITH TOWN OF GULF STREAM

Recommendation: Motion to approve Resolution 149-22 approving Police Communications Agreement to provide police communications services to the Town of Gulf Stream

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Res 149-22 - Town of Gulf Stream Police Communications Agreement](#) [lw](#)
[Town of Gulf Stream executed Police Communications Agreement](#)
[Legal Review Checklist](#) [Police Comm Agreement 22](#)

APPROVED

6.H. ITEM(S) A1 - ACCEPTANCE OF FOUR RIGHT-OF-WAY DEDICATIONS BY EACH PROPERTY OWNER OF 1407 LAKE DRIVE, 245 NE 7TH AVE., 932 SE 4TH AVE. AND 1301 LAKE DR.

Recommendation: Consideration of the following items:

Item A1 - Motion to approve and accept a Right of Way Dedication by the owners of 1407 Lake Drive

Item B1 - Motion to approve and accept a Right of Way Dedication by the owners of 245 NE 7th Ave.

Item C1 - Motion to approve and accept a Right of Way Dedication by the owners of 932 SE 4th Ave.

Item D1 - Motion to approve and accept a Right of Way Dedication by the owners of 1301 Lake Dr.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews \(3\)](#)
[Item \(A1a\) ROW - 1407 Lake Dr. - ROW](#)
[Item \(A1b \) Exhibit A & Sketch - 1407 Lake Dr. - ROW](#)
[Item \(B1a\) ROW - 245 NE 7th Ave](#)
[Item \(B1b\) Exhibit A Sketch & Description - 245 NE 7th Ave. - ROW](#)
[Item \(C1a\) 932 SE 4th Ave - ROW](#)
[Item \(C1b\) 932 SE 4th Ave - Exhibit A & Sketch](#)

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[Item \(D1a\) ROW - 1301 Lake Dr](#)

[Item \(D1b\) Exhibit A Sketch & Desc - 1301 Lake Dr. - ROW](#)

[Legal Review - 1301 Lake Dr. - ROW](#)

APPROVED

- 6.I.** APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH JPR PRODUCTIONS, INC. TO PROMOTE AND PRODUCE THE LOTOS FESTIVAL TO BE HOSTED AT THE DELRAY BEACH TENNIS CENTER
- Recommendation:** Motion to approve Revocable License Agreement with JPR Productions, Inc. to promote and produce the Lotos Festival to be hosted in January 7, 2023 at the Delray Beach Tennis Center.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[RLA Lotus Music Festival 2023](#)

[Legal Review RLA Lotus Music Festival 2023](#)

Item 6.I. was pulled for discussion. It became 7.B.B. on the regular agenda.

6.R. PROCLAMATIONS:

- 6.R.1.** HISPANIC HERITAGE MONTH PROCLAMATION

Recommendation: Motion to declare September 15, 2022 - October 15, 2022 as Hispanic Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[National Hispanic Heritage Month Proclamation](#)

APPROVED

- 6.R.2.** CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2022

Recommendation: Motion to declare September 17-23, 2022 as Constitution Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Constitution Week Proclamation](#)

APPROVED

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

- 6.S.1.** None

6.T. AWARD OF BIDS AND CONTRACTS:

- 6.T.1.** APPROVAL OF RESOLUTION NO. 56-22 TO AWARD A CITY STANDARD AGREEMENT WITH HACH COMPANY FOR WATER QUALITY TESTING PRODUCTS IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$250,000 (\$125,000 PER YEAR).

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Recommendation: Motion to approve Resolution 56-22 to award a City Standard Agreement with Hach Company., for water quality testing products in the not-to-exceed estimated amount of \$250,000 (\$125,000 per year).

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Hach kwb.7.11.22.pdf](#)

[RESOLUTION NO. 56-22 rev..pdf](#)

[Hach City Standard Agreement vendor executed revised 8.29.22.pdf](#)

APPROVED

6.T.2.

RESOLUTION NO. 140-22: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH CBRE, INC. FOR TENANT BROKER AND REAL ESTATE CONSULTING SERVICES TO CONDUCT A PLANNING STUDY FOR CONGRESS AVENUE, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY RENEWALS AND/OR AMENDMENTS THERETO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 140-22 approving an agreement with CBRE, Inc., for tenant broker and real estate consultancy services for a planning study for Congress Avenue.

Sponsors: Economic Development Department, Development Services Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 140-22 CBRE Congress Ave Planning Study](#)

[Agreement CBRE Congress Ave Study](#)

[CBRE - Streetsense Congress Ave Planning Study revised](#)

[Legal Review Checklist form v. 7 CBRE Congress Ave Planning Study](#)

Item 7.T.2. was pulled for discussion. It became 7.C.C. on the regular agenda.

City Attorney Gelin confirmed Items 8.C., 8.D., and 8.E. must be heard next due to time-stamp notification.

8. PUBLIC HEARINGS/SECOND READINGS:

8.C.

RESOLUTION NO. 135-22: GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES

Recommendation: Motion to adopt Resolution No. 135-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[22-1120 Agenda Cover Memo GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES](#)

[Reso No. 135-22 GENERAL FUND AND DEBT SERVICE MILLAGE kwb rev. 8.31.22](#)

[Simple Legal Review Approval 135-22](#)

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Mr. Moore offered introductory comments on police officer positions, Waste Management rate offset administration, and non-profit adjustments.

Mr. Hugh Dunkley, Finance Director, summarized the agenda for the Fiscal Year 2022-2023 Proposed Budget. He reviewed the proposed millage rated of 6.5111 for Delray Beach Operating and 0.1554 for Delray Beach Debt for a total of 6.6665 for FY2022-23. He explained the proposed millage rates of 19.4684 for all taxing authorities. He stated the proposed total Citywide budget is \$281,443,065, of which \$166,625,098 is for the General Fund. Mr. Dunkley reviewed the tentative Operating Budget, including the percent change from FY2021-22 and specific budget changes since August 22, 2022. He continued by discussing the General Fund Revenues and General Fund Expenditures by category. He provided additional information about two Sanitation Fund options calculated through April 30, 2023, the monthly impact to single-family and multi-family residential customers, in addition to summarizing the potential revenue loss through April 30, 2023.

Ms. Gelin read Resolution No. 135-22 into the record.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale stated she is fine with the millage rate.

Commissioner Boylston thanked staff for getting to the millage rate goal.

Mayor Petrolia asked the Commission to weigh in Waste Management options and direction for staff.

Consensus was reached to recommend the rate charge with no franchise and administrative fees.

Mr. Sam Walthour, Neighborhood and Community Services Director, provided additional information on the UDAC funds and noted they would update the Commission on the expenditures of the funding.

A discussion ensued about tax revenues.

Deputy Vice Mayor Casale motioned to approve Resolution No. 135-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

8.D.

RESOLUTION NO. 136-22: DOWNTOWN DEVELOPMENT AUTHORITY
PROPOSED MILLAGE RATE

Recommendation: Motion to adopt Resolution No. 136-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2022.

Sponsors: Finance Department

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Attachments: [Agenda Cover Report](#)
[22-1121 Agenda Cover Memo DDA PROPOSED MILLAGE RATE](#)
[Reso 136-22 DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE rev. KWB](#)
[DDA FY22-23 Budget Memo for 9.06.22 City Commission Mtg](#)
[DDA FY 22-23 Budget Presentation CC 9.6.22 meeting V2](#)
[Simple Legal Review Approval 136-22](#)

Ms. Gelin read Resolution No. 136-22 into the record.

Public Comments:

Ms. Mavis Benson, incoming Delray Beach, DDA Board Chair, spoke on the millage rate and DDA goals.

Ms. Laura Simon, DDA Executive Director, reviewed the DDA's proposed FY22-23 budget.

Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Resolution No. 136-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

8.E. RESOLUTION NO. 137-22: ADOPTION OF THE FISCAL YEAR TENTATIVE BUDGET BEGINNING OCTOBER 1, 2022

Recommendation: Motion to adopt Resolution No. 137-22 - Adopting the Tentative Budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[22-1122 Agenda Cover ADOPTION OF THE FISCAL YEAR 2022-23 TENTATIVE BUDGET](#)
[Reso 137-22 ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1 2022 rev. kwb 8.31.22](#)
[EXHIBIT A - RESOLUTION NO. 137-22](#)
[FY 2022-23 PROPOSED BUDGET WORKSHEET REPORTS](#)
[Simple Legal Review Approval 137-22](#)

Ms. Gelin read Resolution No. 137-22 into the record.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale asked about the Compensation Rate Study and the Department Director requests.

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Mr. Duane D'Andrea, Human Resources Director, confirmed that all requests are incorporated into the budget.

Deputy Vice Mayor Casale spoke on the challenges of salary compression. Commissioner Boylston stated he does not agree with the salary compression analysis. Mr. D'Andrea elaborated on the study.

A discussion ensued about compression and the compensation study.

Mr. Moore recommended adoption of Resolution 137-22.

Commissioner Boylston asked about the American Rescue Plan Act (ARPA) funds and stated he does not believe they should be used to balance the budget. He stated they should be used to build resiliency and be transformational.

Mr. Dunkley noted they City will be utilizing \$3,369,740 in ARPA funds for the FY2022-223 budget. Commissioner Boylston asked if the City still plans to build Reserve Funds to 27 percent. Mr. Moore replied yes. Commissioner Boylston noted he would not support the budget based on these two items.

Mr. Moore recommended a two-year classification and compensation review.

Commissioner Johnson inquired about large increases in certain departments. Mr. Dunkley stated he could review line-item specifics with the individual Commissioners offline.

Commissioner Johnson also expressed concern about the percentage of the Reserve Funds. Mr. Dunkley provided additional information from the Government Finance Officers Association (GFOA) and Reserve Funds calculations.

A discussion ensued about the budget and Reserve Funds.

Vice Mayor Frankel motioned to approve Resolution No. 137-22 with direction on first reading Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale

NO: 2 Commissioner Boylston, Commissioner Johnson

APPROVED 3-2.

7. REGULAR AGENDA:

7.A.A. UPDATED WAGES, SALARY, AND AUTHORIZATION OF NEW PAY GRADE STRUCTURE

Recommendation: Motion to Approve the updated wages, salary and authorization of new pay grade structure.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Proposed Pay Plan](#)
[General Emp. Pay Plan 10.01.22](#)

Mr. Duane D'Andrea, Human Resources Director, noted an error on Grade 112 max and stated it would be corrected to reflect \$86,284.

Deputy Vice Mayor Casale motioned to approve, as amended. Vice Mayor Frankel seconded the

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motion. The motion was carried by the following vote:

YES: 5 Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

NO: 1 Mayor Petrolia

APPROVED 4-1.

7.B.B. APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH JPR PRODUCTIONS, INC. TO PROMOTE AND PRODUCE THE LOTOS FESTIVAL TO BE HOSTED AT THE DELRAY BEACH TENNIS CENTER

Recommendation: Motion to approve Revocable License Agreement with JPR Productions, Inc. to promote and produce the Lotos Festival to be hosted in January 7, 2023 at the Delray Beach Tennis Center.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[RLA Lotus Music Festival 2023](#)

[Legal Review RLA Lotus Music Festival 2023](#)

Deputy Vice Mayor Casale asked about the fee and referenced the Commission's previous discussion.

Mr. Sam Metott, Director of Parks and Recreation stated they could address the fee with a policy change, but he did not recall receiving direction from the Commission since the discussion occurred.

Deputy Vice Mayor Casale stated the Commission did provide that direction and recommended negotiating an increased fee. Commissioner Boylston disagreed with the recommendation.

Mr. Metott provided additional information about costs incurred by the vendor for staging.

Commissioner Boylston motioned to approve and direct staff to put together a policy for future events. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 2 Vice Mayor Frankel, Deputy Commissioner Boylston

NO: 1 Commissioner Johnson, Mayor Petrolia, Vice Mayor Casale

FAILED 3-2.

Deputy Vice Mayor Casale motioned to continue to the next meeting and direct staff to negotiate new terms with vendor. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

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7.C.C.

RESOLUTION NO. 140-22: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH CBRE, INC. FOR TENANT BROKER AND REAL ESTATE CONSULTING SERVICES TO CONDUCT A PLANNING STUDY FOR CONGRESS AVENUE, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY RENEWALS AND/OR AMENDMENTS THERETO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 140-22 approving an agreement with CBRE, Inc., for tenant broker and real estate consultancy services for a planning study for Congress Avenue.

Sponsors: Economic Development Department, Development Services Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 140-22 CBRE Congress Ave Planning Study Agreement CBRE Congress Ave Study](#)
[CBRE - Streetsense Congress Ave Planning Study revised](#)
[Legal Review Checklist form v. 7 CBRE Congress Ave Planning Study](#)

Ms. Anthea Gianniotis, Development Services Director, noted the Commission discussed the item in September 2021 and stated they did not have the staffing resources to champion the item until now.

Deputy Vice Mayor Casale motioned to approve. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

7.A.

RESOLUTION NO. 120-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 355 NORTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 120-22, a request for Conditional Use approval for Wanderlust Dogs to allow a Domestic Animal Services facility offering Pet Services including day care and pet grooming, and a Pet Hotel at 355 North Congress Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 120-22 Conditional Use for Wanderlust Dogs](#)
[Wanderlust Dogs PZB Report](#)
[Wanderlust Dogs Site Plan](#)
[Wanderlust Dogs Reduced Parking Statement](#)
[Wanderlust Dog Justification Statement 07.20.pdf](#)
[Wanderlust Dog Emergency Preparedness Plan 07.07.22](#)

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[Legal Review Res 120-22 Conditional Use Wanderlust Dogs 355 N Congress](#)

Mayor Petrolia read the Quasi-Judicial rules into the record and asked those who wish to give testimony to stand and be sworn in. City Clerk, Katerri Johnson, swore in all those who wished to give testimony on Item 7.A. Resolution No. 120-22. Mayor Petrolia asked if there were any Ex-Parte Communications for Resolution No. 120-22 by the City Commission.

The following was disclosed:

Vice Mayor Frankel – spoke with the applicant's attorney

Deputy Vice Mayor Casale – none

Commissioner Johnson – spoke with the applicants

Commissioner Boylston – spoke with the applicants' attorney and with the applicants months ago

Mayor Petrolia – emails on the City server

Ms. Anthea Gianniotis, Development Services Director, read File No. 2022-155 into the record.

Ms. Caroline Perino, applicant's Attorney, introduced herself, her colleague, and the property owner, Sam Caliendo. She disclosed Mr. Caliendo is on the Palm Beach County Zoning Commission.

Ms. Perino reviewed the adjacent uses map, zoning map, request, street views, site plan, floor plan, elevations, and background on the applicant. She displayed the applicant's responses to the conditional use criteria. She noted staff recognized the parking rate for pet services is excessive when applied to daytime boarding and believes a much lower rate has been determined to be sufficient at other similar facilities within the City. She reviewed the reduced parking study.

Ms. Gianniotis reviewed the location, zoning, land use, current use, conditional use request, floor plan, and parking requirement. She confirmed that since the adoption of Ordinance No. 17-21, a lower parking rate has been determined to be sufficient at other daytime/overnight boarding facilities. She stated the analysis provided meets the professional standards for a parking reduction. Ms. Gianniotis reviewed the required findings and stated the Planning and Zoning Board recommended approval 6-0 on August 15, 2022.

Public Comments:

Alice Finch, Delray Beach, spoke about security of animals and fencing.

Mayor Petrolia closed public comments.

Cross-Examination / Rebuttal:

Mr. Rich Berrie, 2301 West Sample Road, Pompano Beach, introduced himself as the architect for the project. He referenced the floor plan the outlined the security and fencing.

Mayor Petrolia asked for the approximately number of employees. Ms. Perino stated they did not have an exact number, but staff would be onsite 24/7.

Vice Mayor Frankel motioned to approve. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

- 7.B.** JUNETEENTH BENCHMARKING AND DATA ANALYTICS
Recommendation: Motion to discuss the Juneteenth Benchmarking and Data Analytics
Sponsors: Human Resources Department
Attachments: [Agenda Cover Report](#)
[Juneteenth Benchmarking](#)

Mr. Duane D'Andrea, Human Resources Director, provided background on the benchmarking.

A discussion ensued about the options summarized by Mr. Moore.

Consensus was reached to direct staff to gather additional information and bring back a recommendation.

Commissioner Boylston motioned to approve 7.B. as an additional holiday in the City of Delray Beach. Commissioner Johnson seconded the motion for discussion.

Commissioner Johnson noted it would add approximately \$200,000 to the budget.

The motion was carried by the following vote:

YES: 2 Commissioner Boylston, Commissioner Johnson

NO: 3 Vice Mayor Frankel, Deputy Vice Mayor Casale, Mayor Petrolia

FAILED 3-2.

Consensus was reached to direct staff to bring back more information and options.

- 7.C.** PRESENTATION AND ADOPTION OF THE FIRE RESCUE DEPARTMENT MASTER PLAN
Recommendation: Recommend Adoption of the Fire Rescue Department Master Plan
Sponsors: Public Works Department and Fire Rescue Department
Attachments: [2022 09 06 DBFR Masterplan Bond Referendum 090222](#)

Mr. Keith Tomey, Fire Chief, and Ms. Missie Barletto, Public Works Director, noted they would be presenting together.

Ms. Barletto introduced the framework for the Master Plan. Chief Tomey reviewed the traditional design background of the fire stations and current station information. Ms. Barletto and Chief Tomey continued by summarizing the overview. Ms. Barletto reviewed Fire Station 112 and Ocean Rescue, including individual station issues. Chief Tomey summarized the recommendation to create a Fire Station 112 and Ocean Rescue HQ Combination Station. Ms. Barletto continued by reviewing Fire Station 111/Headquarters and Chief Tomey stated the recommendation is to build a new fire station across the street in the SW 60 Block and move in when ready. He reviewed the approximate cost of \$2M to relocate the firefighters, staff, and storage during construction. Ms. Barletto reviewed Fire Station

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115/Special Ops and Chief Tomey stated they would like to move the footprint forward on the property to give more room for parking and special ops training props. He noted the Emergency Operations Center (EOC) could be located on the third floor, and it is a great location because it is away from the ocean, railroads, City, and civil unrest possibilities. The presentation continued with review of Fire Station 114. Ms. Barletto noted full hurricane hardening and evaluation is pending. Chief Tomey stated Fire Station 114 and Fire Station 113 would be reevaluated in 10 years. He stated the Fire Station Master Plan renovation total cost over time is \$64M for renovation/addition and \$80.6M for new construction, estimated across 15 years. Ms. Barletto reviewed the expected timeline.

Mayor Petrolia asked about funding for the stations built in the 1990s. Chief Tomey replied they were funded by the Decade of Excellence bond.

Commissioner Boylston inquired about the recommended location of EOC and the suggested timeline. Chief Tomey noted once adopted, they could consider moving up EOC. Ms. Barletto reiterated the location was ideal, but it was conceptual and needs to be looked at further. Commissioner Boylston expressed concern the EOC was too far out in the recommended timeline.

Commissioner Johnson stated she was in favor of the plan but recommended expanding the fire station on the barrier island. Chief Tomey spoke on future growth at Fire Station 113.

Vice Mayor Frankel stated he supports new construction and noted the recent fire station tour and conditions of Fire Station 112.

Deputy Vice Mayor Casale stated the fire station tour was amazing and supports the plan.

Mayor Petrolia stated she supports the plan.

Commissioner Johnson asked about the fire station on Linton and 4th. Chief Tomey replied that they are at 30% in their drawings, and they are meeting weekly with the builder. He noted they want to speed up the demolition and groundwork and are hoping for a groundbreaking in March 2023.

Vice Mayor Frankel motioned to approve the plan. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 29-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 32.15, "DEFINITIONS," TO REVISE THE DEFINITIONS OF CITY BOARD AND MEMBER AND TO CREATE A NEW DEFINITION FOR

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INADEQUATE ATTENDANCE; BY AMENDING SECTION 32.17, "REMOVAL OF CITY BOARD MEMBERS" TO CLARIFY THE BASES FOR REMOVAL OF CITY BOARD MEMBERS; BY AMENDING SECTION 32.18, "PROCEDURE," TO CLARIFY THE PROCEDURE FOR REMOVAL OF A CITY BOARD MEMBER; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance No. 29-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance Abandonment of Office \(003\) lg 7-5-2022](#)

Ms. Lynn Gelin, City Attorney, read Ordinance No. 92-22 into the record.

Ms. Gelin stated the Ordinance clarifies inadequate attendance for Boards that do not meet monthly.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 92-22. Vice Mayor Frankel seconded the motion for discussion.

Commissioner Johnson asked if they have ever dismissed anyone due to attendance. Ms. Gelin stated yes and that the City Clerk sends a notice.

The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

8.B. ORDINANCE NO. 31-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 133, "OFFENSES AGAINST PERSONS", SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance 31-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Repeal of Conversion Therapy on Minors](#)
[Otto v. City of Boca Raton No. 19-10604 \(11th Cir](#)

Ms. Gelin, City Attorney, read Ordinance No. 31-22 into the record.

Ms. Gelin noted this is based on the Federal Court ruling.

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Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 31-22. Commission Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

8.B.1 RESOLUTION NO. 138-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OPPOSING AND DISCOURAGING THE PRACTICE OF SEXUAL ORIENTATION CHANGE EFFORTS ON MINORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 138-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 138-22](#)

Ms. Gelin, City Attorney, read Resolution No. 138-22 into the record.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Resolution No. 138-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

9. FIRST READINGS:

9.A. ORDINANCE NO. 27-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2022-23 TO FY 2026-27 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Consider the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022- 23 Capital Improvement Budget, as set forth in Ordinance No. 27-22, for adoption into the Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Capital Improvements Plan, FY 22-23 to FY 26-27: PZB Staff Report](#)

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[Capital Improvements Plan, FY 22-23 to FY 26-27: Ordinance No. 27-22](#)

[Capital Improvements Plan, FY 22-23 to FY 26-27: Ordinance No. 27-22 \(Exhibit A\)](#)

[Capital Improvements Program, FY 22-23 to FY 26-27](#)

Ms. Gelin, City Attorney, read Ordinance No. 27-22 into the record.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Commission Boylston motioned to approve Ordinance No. 27-22. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Moore had no additional comments.

B. City Attorney

Ms. Gelin provided an update on the noise ordinance and requested a workshop for October. She recognized Parks and Recreation for a recent award.

C. City Commission

Deputy Vice Mayor Casale commended the Fire Department on the Lock Program for seniors.

Vice Mayor Frankel stated the new wooden sidewalk at the beach looks great. He spoke on better enforcement of amplified music past 1:00 a.m. Ms. Gelin provided additional information about a grace period until 2:00 a.m. Consensus was reached to issue a grace period for two weeks before enforcement begins.

Commission Boylston welcomed Police Chief Sims. He announced the upcoming Palm Beach Improv Festival at Old School Square.

Commissioner Johnson spoke about the FreeBee terms. She addressed the residents' concern about parking on their neighborhood swale. She thanked Ms. Barletto for the recent tour and elimination of slum and blight in Lake Ida park. She welcomed the Police Chief Simons. She noted the League of Cities would be in Delray Beach on September 28, 2022.

Mayor Petrolia congratulated Police Chief Sims. She mentioned the resident's concern on Swinton.

11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at

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8:22 p.m.

[Minutes by TBaclawski Prototype-Inc.]



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the September 6, 2022 City Commission Regular Meeting held on September 6, 2022, which minutes were formally approved and adopted by the City on January 10, 2023.



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.