

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Minutes - Final

Tuesday, November 1, 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*



## City of Delray Beach

### Minutes

### City Commission

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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 Mayor Shelly Petrolia, Vice Mayor Adam Frankel, Deputy Vice Mayor Juli Casale, 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 motioned to approve the agenda. 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**

#### 4. PRESENTATIONS:

4.A. None.

#### 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 responded to an inquiry about the employment rate of the Delray Beach Police Department. He referenced a recent information letter report shared with the City Commission regarding the present employment rate and employment strategies. He confirmed they filled a number of vacancies to date. He introduced Chief Russ Mager.

Chief Mager stated recruitment and hiring have been a top priority since assuming his position in August 2022. He revamped the online hiring process so it is more efficient, while maintaining a high qualification process in order to remain competitive. To date, there are seventeen (17) officer position

## Regular Meeting 4:00 PM

vacancies, but four (4) positions have been filled to begin the January Academy. Additionally, eleven (11) applicants are in process. He noted twelve (12) positions are reserved for January and is confident the positions will be filled. If all twelve positions are filled, it will be the largest Academy in Delray Beach Police history. He stated they anticipate five (5) openings in May but anticipating filling the May class. He recognized members of his team who assisted in the efforts.

Mayor Petrolia asked about onboarding plans. Chief Mager referenced the field training program and noted new officers do not impact the services provided. Mayor Petrolia thanked Chief Mager for his responsiveness.

Deputy Vice Mayor Juli Casale asked about the volume of applications. Chief Mager confirmed they are receiving a larger number of applications and credited the revamped online process. Deputy Vice Mayor asked about the quality of applicants. Chief Mager described the more efficient process and stated they are not lowering standards.

Commissioner Johnson asked about hiring local Delray residents. Chief Mager stated veterans are pushed to the top for consideration, but everyone is reviewed equally on qualifications and no preference is given for Delray applicants. He suggested part-time officers dedicated to recruitment and hiring in the future.

### 5.A.1. *INTEREST IN PURSUING BID FOR THE BILLY JEAN KING CUP IN COORDINATION WITH THE PALM BEACH COUNTY SPORTS COMMISSION*

**Recommendation:** Motion to approve pursuing bid for the Billy Jean King Cup with the Palm Beach County Sports Commission.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[BillyJeanKingCup\\_BidRelease](#)

Mr. Sam Metott, Director of Parks and Recreation, provided an overview of the item. He noted the event was rebranded in 2020 to the Billy Jean King Cup.

Mr. George Linley, Palm Beach County Sports Commission, provided further information about the Billie Jean King Cup. He shared that the annual women's team tennis competition features 100 nations and is one of the most prestigious team tennis competition in the world. He noted the USA leads all nations with 18 titles, the last one in 2017 and that the USA last hosted in Asheville, NC (2022) and Everett, WA (2020). He continued by reviewing the local economic impact and the total business spending generated in Asheville, NC in 2022 was \$5 million.

Mr. Metott reviewed the financial commitment breakdown for the bid, outlining a total financial package offered to USTA of approximately \$490,000. He summarized additional information about hosting, players, budgeted funds, Delray Affair Weekend, and community support.

Mayor Petrolia asked about the length of the contract. Mr. Metott confirmed it is a singular event commitment and the event typically move locations each year.

Mayor Petrolia asked about potential street closures. Mr. Metott replied that it would extend further west on Atlantic. Mayor Petrolia expressed concern about parking. Mr. Metott stated they would augment with bussing from the Tri-Rail.

Vice Mayor Frankel stated he supports the proposal and recognized the economic impact.

Deputy Vice Mayor Casale stated she supports the proposal but noted she shares the same concerns about parking.

A brief discussion ensued about parking options.

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

## Regular Meeting 4:00 PM

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

### APPROVED

5.B. From the Public

Vera Woodson, 1885 Palm Cove Boulevard, Delray Beach, thanked the Deputy Vice Mayor Casale for attending the tree planting. She thanked Commissioner Johnson for championing EJS to remain in their location during the transition of the Hatcher development. She confirmed Carver Middle School Choir will be singing at the Toys for Tots program. She supports the bid for the Billie Jean King Cup.

Joy Howell, 25 NW 24<sup>th</sup> Court, Delray Beach, stated she continues to support the Green Ordinance. City Attorney Gelin noted it is a quasi-judicial item and Ms. Howell can speak on the item later.

Michael Wint, 1540 18<sup>th</sup> Avenue, Delray Beach, thanked the City Commission for their work.

Laura Simon, Executive Director Downtown Development Authority, thanked City staff for their support of the Art and Jazz on the Ave. She announced the January event and theme.

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. 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

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

**Recommendation:** Motion to approve meeting minutes as listed below:  
August 16, 2022 Regular City Commission Meeting Minutes  
August 22, 2022 Workshop Meeting Minutes  
September 19, 2022 Regular City Commission Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[August 16, 2022 Regular Meeting Minutes - Draft](#)  
[August 22, 2022 Workshop Minutes - Draft](#)  
[September 19, 2022 Regular Meeting Minutes](#)

### APPROVED

#### 6.B. AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.

**Recommendation:** Recommend approval of the attached agreement.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2023 Municipal Agreement Clean Copy rev.kwb 10.10.22](#)  
[Simple Legal Review Election Agreement 2022](#)

### APPROVED

#### 6.C. ACCEPTANCE OF A RIGHT -OF-WAY DEDICATION LOCATED AT 408 SE 2ND STREET

**Recommendation:** Review and consider the acceptance of a right-of-way dedication located at 408 SE 2nd Street.

**Sponsors:** Development Services Department

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

## Regular Meeting 4:00 PM

[408 SE 2nd ST ROW Agreement](#)

[408 SE 2nd ST Sprab Report](#)

[Legal Review Right of Way Deed PCN 12-43-46-16-01-103-0240 - Centennial](#)

[Investments DB](#)

### APPROVED

- 6.D.** *MOTION TO APPROVE DEMOLITION AND CONSTRUCTION OF CIVIL SITE IMPROVEMENTS FOR FIRE STATION 113 IN AN AMOUNT NOT TO EXCEED \$832,937.35 IN ACCORDANCE WITH AN APPROVED AGREEMENT WITH GULF BUILDING, LLC. PURSUANT TO RFP NO. 2019-008.*

**Recommendation:** Motion to approve the demolition and civil site improvements to Fire Station 113 in the amount not to exceed \$832,937.35 in accordance with an approved agreement with Gulf Building LLC. pursuant to RFP No. 2019-008 (Project No. 16-012).

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Gulf Building Proposal](#)  
[Design Build Agreement - Gulf Building](#)

### APPROVED

- 6.E.** *APPROVAL OF AMENDMENT NO. 1 AUTHORIZING A PRICE ADJUSTMENT AND APPROVAL OF RENEWAL AND INCREASING THE CONTRACT VALUE WITH CARUS LLC f/k/a CARUS CORPORATION. FOR SUPPLY AND DELIVERY OF POLY PHOSPHATE IN THE TOTAL ESTIMATED RENEWAL VALUE OF \$599,520 THROUGH DECEMBER 9, 2024 (\$299,760) PER YEAR).*

**Recommendation:** Motion to approve Amendment No. 1 to authorize a price adjustment, and approval of renewal and increase the contract value with Carus LLC f/k/a Carus Corporation for supply and delivery of Poly Phosphate in the total estimated renewal value of \$599,520 (\$299,760 per year) through December 9, 2024.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Carus Amendment.pdf](#)  
[Amd #1. ITB 2019-047 Carus Inc - vendor executed.pdf](#)  
[Fully Executed Agreement.pdf](#)  
[ITB 2019-047 Poly Phosphate Supply and Delivery.pdf](#)  
[2021 RM Market Drivers Phosphate Price Increase](#)

### APPROVED

#### 6.F. PROCLAMATIONS:

- 6.F.1.** *OBSERVANCE OF VETERANS DAY PROCLAMATION*

**Recommendation:** Motion to observe Friday, November 11, 2022 as National Veterans Day.

**Sponsors:** City Clerk Department

**Attachments:** [Veteran's Day Proclamation 2022](#)

### APPROVED

- 6.F.2.** *NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK PROCLAMATION*

**Recommendation:** Motion to proclaim November 12 - 20, 2022 as National Hunger & Homelessness Awareness Week.

**Sponsors:** City Clerk Department

**Attachments:** [National Hunger & Homelessness Awareness Week](#)

## Regular Meeting 4:00 PM

APPROVED

### 6.F.3. FAMILY COURT AWARENESS MONTH

**Recommendation:** Motion to proclaim November 2022 as Family Court Awareness Month.

**Sponsors:** City Clerk Department

**Attachments:** [Family Court Awareness Month](#)

APPROVED

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

#### 6.G.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM OCTOBER 1, 2022, THROUGH OCTOBER 21, 2022.

**Recommendation:** By motion, receive and file this report for actions from October 1, 2022, through October 21, 2022.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Location Map: Appealable Items](#)  
[PZB Agenda: October 17, 2022](#)  
[HPB Agenda: October 19, 2022](#)

APPROVED

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

#### 6.H.1.

None.

### 7. REGULAR AGENDA:

#### 7.A. RESOLUTION NO. 59-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A FIFTY-FIVE-FOOT-WIDE PORTION OF RIGHT-OF-WAY LOCATED AT THE NORTHERN TERMINUS OF DAVIS ROAD, TOTALING APPROXIMATELY ELEVEN THOUSAND SEVEN HUNDRED AND THIRTY SQUARE FEET (11,730 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Recommendation:** Review and consider Resolution No. 59-22, abandoning the interest in a 55-ft. wide portion of right-of-way.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 59-22 Abandonment of Davis Road Terminus](#)  
[Legal Review Approval Resolution 59-22](#)  
[PZB Staff Report 3523 Lone Pine Rd ROW Abandonment](#)  
[3523 Lone Pine Road Partial ROW Abandonment Recommendation MEMO 10-04-2022](#)  
[Applicant Narrative](#)  
[Location Map](#)  
[Exhibit A - Survey of Abandonment Area](#)  
[Survey - Right of Way](#)  
[Survey - 3523 Lone Pine Road](#)  
[Davis Road Abandonment letter of no objection LWDD](#)  
[Updated notice of no objection LWDD](#)

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. 59-22. Mayor Petrolia asked if there were any Ex-Parte Communications for Resolution No. 59-22 by the City Commission.

## Regular Meeting 4:00 PM

The following was disclosed:

Vice Mayor Frankel – emails on the City server and documents received on the dais

Deputy Vice Mayor Casale – emails on the City server and documents received on the dais

Commissioner Johnson – emails on the City server and documents received on the dais

Commissioner Boylston – emails on the City server and documents received on the dais

Mayor Petrolia – emails on the City server and documents received on the dais

Ms. Anthea Gianniotas, Development Services Director, read File No. 2021-129 into the record.

Mr. Ryan Abrams, applicant's Attorney, 883 SE 3<sup>rd</sup> Avenue, Fort Lauderdale, FL, provided background on the item. He showed an aerial to demonstrate the proposed Right of Way (ROW) abandonment. He reviewed the Land Development Regulations (LDR) and the Comprehensive Plan and how the applicant meets the criteria. He noted the applicant reduced the width of the original proposed abandonment from 80 feet wide to 55 feet wide.

Ms. Gianniotas reviewed the ROW Deeds from 1959 and the abandonment area. She noted the basis of the request is to restrict access to the private property. She reviewed the LDR findings and noted the City Engineer reviewed the request and recommended approval to the Planning and Zoning Board, pursuant to LDR 2.4.6(M)(3) Procedure for abandonments. The Planning and Zoning Board voted 6-1 to recommend denial of a complete abandonment of the full 80' of right of way, as originally requested, on May 16, 2022. She summarized the Planning and Zoning Board discussion and reviewed the considerations.

### Public Comments:

Jim Hylinski, 3557 Lone Pine Road, Delray Beach, stated he is the property owner immediately next door to the applicant seeking abandonment. He spoke about the benefits of the right of way.

Kathy Hylinski, 3557 Lone Pine Road, Delray Beach, stated there is a slope on the property. She stated vehicles are permitted on the Lakeworth Drainage District property with a permit.

Justin Ryan, 3524 Lone Pine Road, Delray Beach, stated it is more of a liability for the City to have a street that ends at a canal with no controls. He stated the 25' easement is sufficient for vehicles if needed.

May Shumaker, Long Pine Road, Delray Beach, spoke about the impact on nature and animals.

Mayor Petrolia closed public comments.

Mr. Abrams addressed public comments and concerns.

Ms. Gianniotas confirmed the Lakeworth Drainage District property can be accessed with a permit. She read a Parks and Recreation policy that would address the maintenance.

Mayor Petrolia asked about the trees and the access point. Mr. Abrams confirmed there are currently trees in the proposed 25' area.

Discussed ensued regarding access.

Deputy Vice Mayor Casale asked about the Fire Department's review process. Chief Greg Giaccone stated he would follow up on the process. He shared information about accessing the road. Deputy Vice Mayor Casale stated she would not support the request.

Commissioner Johnson asked about the trees in the right of way. Ms. Gianniotas stated they could not determine based on their research. She suggested the trees could be an impediment to fire vehicles trying to access the area.

Commissioner Johnson asked if the request had come before the City Commission before. Ms. Gianniotas stated she does not have record of the request being heard before. Commissioner Johnson does not support the request.

Commissioner Boylston stated he supports the decision by the Planning and Zoning Board and does not believe the 25' makes a difference.

Deputy Vice Mayor Casale motioned to deny. 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,



## Regular Meeting 4:00 PM

Commissioner Johnson

### APPROVED

#### **7.B.** *APPOINTMENT OF THE CHAIR AND VICE-CHAIR OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA)*

**Recommendation:** Motion to appoint the Chair and Vice-Chair of the Community Redevelopment Agency (CRA).

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 57-18](#)

Vice Mayor Frankel motioned to appoint Shirley Johnson to the CRA Chair position. Commissioner Boylston seconded the motion for discussion.

Commissioner Boylston suggested revisiting the appointments following the elections.

City Attorney Gelin stated a code change can be made with consensus.

The motion was carried by the following vote:

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

### APPROVED

Commissioner Boylston motioned to appoint Angi Gray to the CRA Vice-Chair position. Commissioner 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

Consensus was reached to change the code to make the CRA appointments consistent with the Organizational Meeting appointments.

#### **7.C.** *RESOLUTION 179-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING THE EXTENSION OF THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY'S TERMINATION DATE FROM SEPTEMBER 30, 2039 TO SEPTEMBER 16, 2044, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

**Recommendation:** Motion to approve Resolution 179-22.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 179-22 CRA extension](#)  
[Resolution 2022-08](#)  
[FS 163.3755](#)

City Attorney Gelin read Resolution No. 179-22 into the record.

Deputy Vice Mayor Casale motioned to approve. 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

#### **7.D.** *STAFF RECOMMENDS THE AWARD OF AN AGREEMENT WITH BEEFREE, LLC DBA FREEBEE, FOR FIXED ROUTE AND POINT-TO-POINT TRANSPORTATION SERVICES IN THE ESTIMATED AMOUNT NOT TO EXCEED \$4,437,346 (\$887,469 PER YEAR)*

**Recommendation:** Staff recommends the award of an Agreement with Beefree, LLC dba Freebee, for Fixed Route and Point-To-Point Transportation Services in the estimated amount not to exceed \$4,437,346 (\$887,469 per year), and authorize the City Manager to exercise renewal options, in the amounts



## Regular Meeting 4:00 PM

below, contingent upon appropriation of funds.

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

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

City Attorney Gelin clarified that the options will be presented and asked for the vote to be on a specific option and include direction for the City Manager to execute the agreement.

Ms. Sara Maxfield, Economic Development Director, provided background on the item including the Tri-Rail Delray Beach Station ridership data, new Tri-Rail partnership, and six (6) options for consideration. She further explained the Tri-Rail partnership timeline.

Mayor Petrolia suggested Options 1, 2, or 3 should be considered since the Tri-Rail partnership will take care of area proposed by Options 4, 5, or 6.

City Attorney Gelin asked if existing service includes the Atlantic Crossing area. Ms. Maxfield replied yes.

Discussion ensued about the options.

Vice Mayor Frankel motioned to approve Option 1. Deputy Vice Mayor Casale seconded the motion.

Commissioner Boylston spoke on the funding needed for Old School Square (OSS) and suggested to consider delaying a year and earmarking \$300,000 funding for OSS. City Manager Moore stated he has identified a few hundred thousand dollars of funding for OSS if there is less reliance on the fund balance.

Mayor Petrolia stated she supports Commissioner Boylston's recommendation of delaying a year.

Vice Mayor Frankel withdrew his motion.

Commissioner Boylston motioned to approve Option 3 and reconsider expansion next year. Vice Mayor Frankel seconded for discussion.

Commissioner Johnson stated they do not have 2021 ridership data and she would favor Option 1.

Mr. Jason Spiegel, FREEBEE Managing Partner, stated if the Commission wants to remain with five (5) vehicles they should not expand the zone as it will increase wait times.

The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

**NO: 1** Commissioner Johnson

Consensus was reached to allow the City Manager to execute the agreement.

## APPROVED

## 8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** *ORDINANCE NO. 30-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS", SUBSECTION (A), "STANDARD APPLICATION ITEMS" AND SUBSECTION (B), "STANDARD PLAN ITEMS", TO CLARIFY THE REQUIREMENTS FOR APPLICATION AND PLAN SUBMISSION FOR GREEN BUILDING CERTIFICATION; AMENDING SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS", SUBSECTION (B), "BUILDING PERMITS", TO INCLUDE GREEN CERTIFICATION AS A REQUIREMENT TO OBTAIN A BUILDING PERMIT; BY AMENDING CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS", TO ADD A NEW SUBSECTION (L) REFERENCING SUSTAINABILITY GOALS AND REGULATIONS FOR DEVELOPMENT OF SITE PLANS; BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION*

## Regular Meeting 4:00 PM

4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (F), "ARCHITECTURAL STANDARDS", TO CLARIFY SUBSECTION (9), "REDUCTION OF URBAN HEAT ISLANDS", PROVIDING SPECIFICATIONS FOR ROOFED AND NON-ROOFED AREAS AND TO DELETE SUBSECTION (10), "GREEN BUILDING PRACTICES," IN ITS ENTIRETY; BY AMENDING CHAPTER 7, "BUILDING REGULATIONS", TO ENACT A NEW ARTICLE 7.11, "SUSTAINABLE DESIGN AND CONSTRUCTION PRACTICES", TO PROVIDE GREEN BUILDING CERTIFICATION REQUIREMENTS, APPLICATION PROCEDURES, AND BOND REQUIREMENTS FOR CITY AND PRIVATE DEVELOPMENT; AND BY AMENDING APPENDIX A, "DEFINITIONS" TO ADD A NEW DEFINITION FOR SUSTAINABILITY AND RESILIENCE FUND; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING).

**Recommendation:** Motion to approve Ordinance No. 30-22 on Second Reading to amend the Land Development Regulations for the purpose of requiring that all new construction over 15,000 square feet, whether public or private, obtain green building certification from one of the specified green building certification programs.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Green Building Req- PZ Staff Report](#)  
[LEED LDR Amendments 100422](#)  
[Simple Legal Review Approval Green Building Ordinance](#)  
[Green Bldg CC 110122](#)

Ms. Gelin read Ordinance No. 30-22 into the record.

Mr. Kent Edwards, Sustainability Officer, provided background on Ordinance No.30-22. He noted the Green Building Ordinance is consistent with the goals, policies, and objectives in the Comprehensive Plan. He reviewed the revised draft Ordinance features, Ordinance effects, and future considerations.

### Public Comments:

Joy Howell, 25 NW 24<sup>th</sup> Court, Delray Beach, stated she is in favor of the Ordinance. She stated it is an improvement but hoped it was going to go further.

Nancy Chanin, 200 NE 2<sup>nd</sup> Avenue, Delray Beach, stated it is a great start.

Christina Morrison, 1000 Lowry Street, Delray Beach stated they have to start somewhere and can revisit it. She asked the Commission to pass the Ordinance.

Mayor Petrolia closed public comments.

Commissioner Boylston asked Mr. Edwards to highlight the main differences since December 2021. Mr. Edwards reviewed the differences. Commissioner Boylston asked for clarification on the certification levels. He also inquired about community meetings and input. Mr. Edwards spoke about the certification requirements in other Florida municipalities. Commissioner Boylston recommended lowering the threshold to 5,000 square feet and above to lean more towards the recommendations of the Green Implementation Board.

Commissioner Johnson stated she favors what needs to be done to seriously address climate change.

Ms. Giannotes provided additional comments on the tiers and community input.

Commissioner Boylston motioned to approve Ordinance No. 30-22, with the amendment to the reevaluation from four years to two years. 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

**8.B.** *RESOLUTION NO. 126-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE INVENTORY LIST OF CITY OWNED PROPERTY*

## Regular Meeting 4:00 PM

*APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PUBLIC HEARING)*

**Recommendation:** Review and consider Resolution No. 126-22.

**Sponsors:** City Manager Department

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

[Res. 126-22 - Inventory of City Property for Use as Affordable Housing v3](#)

[FS 166.pdf](#)

[Simple Legal Review Approval Reso 126-22](#)

Ms. Gelin read Resolution No. 126-22 into the record.

Mr. Jeff Oris, Assistant City Manager, reviewed the statutory requirement of Florida Statute Section 166.0451. He summarized the 235 parcels reviewed by the City for affordable housing, result of the review, and City Commission actions. He briefly reviewed the twelve (12) properties.

A discussion ensued about the properties, including keeping the two Southbridge Road parcels on the list.

### Public Comments:

Christina Morrison, 1000 Lowry Street, Delray Beach spoke on affordable tiny homes that could be developed on parcels 9-12.

Mayor Petrolia closed public comments.

Commissioner Boylston motioned to approve Resolution No. 126-22, with the revised list to only include properties 1 and 2. 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

## 9. FIRST READINGS:

**9.A.** *ORDINANCE NO. 14-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH FEDERAL HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)*

**Recommendation:** Consider Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error.

**Sponsors:** Development Services Department

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

[Ordinance No. 14-22](#)

[Proposed Land Use, 716 N. Lake Avenue](#)

[PZB Staff Report](#)

[Legal Review, Ordinance No. 14-22](#)

Ms. Gelin read Ordinance No. 14-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 14-22. 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

## Regular Meeting 4:00 PM

### APPROVED

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

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

Mr. Moore spoke on the two-week extension for “KnowBe4” in order to raise compliance rates to 95%. He noted gaps of completion appear to be within Fire, Rescue, and Police Departments.

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

Ms. Gelin provided comments on the Delray Beach Chamber Education Fund and bus shelter wrapping. She received a bus shelter request for a location not on the list, but it would be a swapped with another shelter wrap. Consensus was reached to execute the amendment.

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

Commissioner Boylston asked if the other Commissioners had questions or items to add to tomorrow’s County’s Affordable Housing meeting. He will provide updates at the next Commission meeting.

Commissioner Johnson spoke on the “KnowBe4” training. She asked who is responsible for collecting City street trash around the Green Market on Saturday.

Mr. Sam Walthour, Director of the Neighborhood and Community Services, addressed the issue. A discussion ensued about the trash collection at the Green Market.

Commissioner Johnson continued by thanking the Commission for her CRA Chair reappointment. She asked for support to host the League of Cities at the Delray Beach Golf Club in February 2023, after the hurricane cancelled the September event. Consensus was reached to host. She spoke about the Every Parent Resource Guide.

Deputy Vice Mayor Casale congratulated staff on a successful KidFest event. She addressed an email written by Commissioner Boylston and sent to the School Board. She read the email for the record. Commissioner Boylston responded. Mayor Petrolia asked Commissioner Boylston to retract the statement. Discussion ensued.

Deputy Vice Mayor Casale suggested the City Manager write an email to the School Board clarifying the opinion sent was Commissioner Boylston’s. City Manager Moore will draft an email and circulate to the City Commission for review.

Mayor Petrolia suggested the Delray Reads kickoff needs a little revamping. She announced two upcoming Old School Square events. She spoke about repurposing the Christmas tree in order to use it for the Witches Ride and additional holidays. She also spoke on legacy trees, event staffing workshop, and reconsidering the Procurement position.


### 11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 7:13 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 November 1, 2022 City Commission Regular Meeting held on November 1, 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.