

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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



## Regular Commission Meeting

1st Budget Public Hearing/Regular Meeting at 4:00 PM

Thursday, September 10, 2020

Virtual Meeting

### City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Adam Frankel*

*Commissioner Juli Casale*

Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, City Commission meetings may be held virtually. Members of the public wishing to view City Commission meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing **(561) 243 - 7555** and leaving a voicemail message that will be played during the City Commission meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

**Comments and Inquiries on Non-Agenda and Agenda Items (Excluding Quasi-Judicial Hearing and Public Hearing Items) from the Public:**

Public comments will be accepted up to 1 hour before the start of the meeting on the meeting date.

**Quasi-Judicial and Public Hearing Items:**

Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Commission has heard from both the applicant and the City, the Commission will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Commission's consideration.

**General Rules:**

All public comments must be addressed to the Commission as a body and not to individual Commissioners or staff. Personal verbal attacks upon Commissioners and/or staff will not be tolerated. Members of the public shall refrain from making comments that are impertinent, obscene, personally insulting, defamatory, or slanderous remarks. If any member of the public requires additional information about making public comments, please contact:

Katerri Johnson, City Clerk  
City of Delray Beach  
100 NW 1st Avenue  
Delray Beach, FL 33444  
561-243-7051

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:**

4.A. None

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

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

B. From the Public

**6. CONSENT AGENDA: City Manager Recommends Approval****6.A. CITY COMMISSION MEETING MINUTES**

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

July 7, 2020 Regular Commission Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[July 7, 2020 Draft Meeting Minutes](#)

**6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF MARK LAUZIER V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to deny settlement in the case of *Mark Lauzier v. City of Delray Beach* for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

**6.C.** RESOLUTION NO. 149-20: APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

**Recommendation:** Staff recommends the approval of the Letter of Agreement (LOA) with AHCA to facilitate additional reimbursement of Medicaid dollars for providing emergency medical transportation to individuals covered by one of Medicaid's Managed Care Organizations.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach LOA AHCA for PEMT MCO Program \(needs sign\)](#)  
[Legal Review LOA - AHCA for PEMT MCO Program](#)  
[Res 149-20 Letter of Agreement with State of Florida re PEMT program](#)

- 6.D.** ITEMS A1, A2, A3, & B1 - ACCEPTANCE OF RIGHT-OF-WAY DEDICATIONS FOR 308 SW 3rd AVE., 312 SW 3rd AVE., AND 1003 NE 9th AVE AND A GENERAL EASEMENT UTILITY AGREEMENT FOR 702 NE 3rd AVE.

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

**RIGHT-OF-WAY DEED(S)**

**Items A**

- (A1)** Motion to approve and accept a Right-of-Way dedication by the owner(s) of 308 SW 3rd Ave. to the City of Delray Beach.
- (A2)** Motion to approve and accept a Right-of-Way Dedication by the owner(s) of 312 SW 3rd Ave. to the City of Delray Beach.
- (A3)** Motion to approve and accept a Right-of-Way Dedication by the owner(s) of 1003 NE 9th Ave. to the City of Delray Beach.

**GENERAL UTILITY EASEMENT(S)**

**Items B**

- (B1)** Motion to approve and accept a General Easement Utility Agreement by the owner(s) of 702 NE 3rd Ave.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Item \(1\) - Legal Reviews](#)  
[Item \(A1a\) - ROW - 308 SW 3rd Ave.](#)  
[Item \(A1b\) - Exhibit A - Sketch - 308 SW 3rd Ave](#)  
[Item \(A2a\) - ROW - 312 SW 3rd Ave.](#)  
[Item \(A2b\) - Exhibit A Sketch - 312 SW 3rd Ave.](#)  
[Item \(A3a\) - ROW - 1003 NE 9th Ave.](#)  
[Item \(A3b\) - Exhibit A - 1003 NE 9th Ave.](#)  
[Item \(B1a\)- G.U.E. Agreement - 702 NE 3rd Ave](#)  
[Item \(B1b\) - Exhibit A - 702 NE 3rd Ave.](#)

**6.E. APPROVING AMENDMENT 1 TO A VALET PARKING LICENSE AGREEMENT WITH ROSEBUD 307, LLC, d/b/a/ LIONFISH PROVIDING VALET PARKING SERVICES TO CHANGE LOCATION OF VALET QUEUE AND TO EXTEND FOR TWO YEARS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to approve Amendment 1 to a Valet Parking License Agreement with Rosebud 307, LLC, d/b/a Lionfish providing valet parking services to change the location of the valet queue and to extend the license from September 1, 2020 until August 31, 2022.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 6 Valet Parking Agreement-Lionfish Amend No. 1](#)  
[Amendment no. 1 to parking license agt with Lionfish](#)  
[Signed Parking License Agreement - Rosebud 307 LLC dba Lionfish](#)

**6.F. PROCLAMATIONS:**

**6.F.1. HISPANIC HERITAGE MONTH PROCLAMATION**

**Recommendation:** Motion to declare September 15, 2020 - October 15, 2020 as Hispanic Heritage Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Hispanic Heritage Month Proclamation](#)

**6.F.2. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2020**

**Recommendation:** Motion to declare September 17- 23, 2020 as Constitution Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Constitution Week Proclamation](#)

**6.F.3. DIAPER NEEDS AWARENESS WEEK PROCLAMATION - SEPTEMBER 21-27, 2020**

**Recommendation:** Motion to declare September 21-27, 2020 as Diaper Needs Awareness Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Diaper Need Awareness Week 2020](#)

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

**6.G.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 13, THROUGH AUGUST 28, 2020.**

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - Appealable Report - 255 N. Swinton Avenue](#)  
[B - Appealable Report - The Ray CLIV, 233 NE 2nd Avenue](#)  
[C - Appealable Report - Brook Haven Condominium CLIII, 1025 Casuarina Rd](#)  
[D - Appealable Report - 1209 S Swinton Ave Mural CLI](#)

**6.H. AWARD OF BIDS AND CONTRACTS:****6.H.1. APPROVAL OF RESOLUTION NO. 97-20 FOR THE PURCHASE OF TWENTY-NINE NEW VEHICLES FROM VARIOUS CAR DEALERSHIPS UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NOS. FSA19-VEL27.0 AND FSA19-VEH17.0 AND THE SOURCEWELL CONTRACT NO. 120716-NAF - \$1,035,000**

**Recommendation:** Motion to approve Resolution No. 97-20 to purchase twenty-nine (29) new vehicles from Alan Jay Chevrolet, Alan Jay Toyota, Alan Jay Ford, Duval Chevrolet, Stingray Chevrolet, Bozard Ford, and Palmetto Ford in an amount not-to-exceed \$1,035,000 utilizing the Florida Sheriff's Association Contract Nos. FSA19-VEH17.0 and FSA19-VEL27.0 and the Sourcewell Contract No. 120716-NAF.

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

**Attachments:** [Agenda Cover Report](#)  
[FSA Contract FSA19-VEH17.0 Award Letter](#)  
[Sourcewell Award](#)  
[Copy of 2020 Replacement Vehicles 7-27-20](#)  
[Silverado2500 Utility NJPA-Alan Jay 7-14-20 \(002\)](#)  
[Silverado3500 Utility NJPA-Alan Jay 7-14-20](#)  
[Utility Interceptor Quote-Patrol Bozard 7-24-20](#)  
[Utility Interceptor Quote-LT Bozard 7-14-20](#)  
[Toyota Camry-Alan Jay 7-14-20](#)  
[Silverado 1500 Quote-Duval 7-14-20](#)  
[T350 Van NJPA-Alan Jay 7-14-20](#)  
[2020 Traverse LS Quote-Stingray 7-27-20](#)  
[Toyota Rav-4 Alan Jay 7-14-20](#)  
[Palmetto Truck-F650 GAS Dump 7-14-20](#)  
[resolution 97-20](#)

**6.H.2. APPROVAL OF RESOLUTION NO. 132-20 TO AWARD AGREEMENTS WITH MADSEN/BARR CORP. AS THE PRIMARY VENDOR AND JOHNSON-DAVIS, INC. AS THE SECONDARY VENDOR FOR THE PURCHASE OF EMERGENCY SERVICES FOR WATER DISTRIBUTION, WASTEWATER COLLECTION AND STORMWATER UTILITY SERVICES; UTILIZING THE CITY BOYNTON BEACH ITB NO. 019-2521-19/IT - \$300,000**

**Recommendation:** Motion to approve Resolution No. 132-20, to award agreements with Madsen/Barr Corp. as primary vendor and Johnson-Davis, Inc. as secondary vendor in the estimated amount of \$300,000 through May 7, 2021, utilizing the City of Boynton Beach ITB No. 019-2521-19/IT, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

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

**Attachments:** [Agenda Cover Report](#)  
[Resolution 132-20](#)  
[Madsen Barr Agreement](#)  
[Johnson Davis Agreement](#)  
[Award Letter - Madsen Barr Corp \(002\)](#)  
[Award Letter - Johnson-Davis Inc](#)  
[Legal Review Checklist Madsen Barr](#)  
[Legal Review Checklist Johnson Davis](#)

**6.H.3. APPROVAL OF RESOLUTION NO. 134-20 TO AWARD AN AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING, INC. FOR THE PURCHASE OF ROAD RESTORATION SERVICES; UTILIZING THE CITY OF SUNRISE INVITATION TO BID NO. 19-43-06-MS - \$888,000.**

**Recommendation:** Motion to approve Resolution No. 134-20 to award an Agreement with M & M Asphalt Maintenance, Inc. d/b/a All County Paving, Inc. in the estimated amount of \$888,000 through November 30, 2021, utilizing the City of Sunrise Invitation to Bid No. 19-43-06-MS, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

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

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Master Con Service Agreement MM Asphalt Maintenance Res 134-20 Agreement with MM Asphalt Maintenance All County Paving Piggyt All County Paving Agreement](#)



**6.H.4. APPROVAL OF RESOLUTION NO. 135-20 TO AWARD AN AGREEMENT WITH PAVEMENT TECHNOLOGY, INC. FOR THE PURCHASE OF ASPHALT REJUVENATION SERVICES; UTILIZING CITY OF MARGATE BID NO. 2019-009 - \$150,000**

**Recommendation:** Motion to Approve Resolution No. 135-20 to award an Agreement with Pavement Technology, Inc. in an estimated amount of \$150,000 through August 20, 2021 for asphalt rejuvenation services; utilizing City of Margate Bid No. 2019-009, and authorizing the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

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

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Pavement Tech](#)  
[Pavement Technology Agreement](#)  
[Resolution 135-20](#)  
[Margate Contract](#)

**6.H.5. APPROVAL OF RESOLUTION NO. 141-20 FOR THE PURCHASE OF ONE NEW FIRE RESCUE AERIAL LADDER FIRE APPARATUS FROM TEN-8 FIRE EQUIPMENT, INC. UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEF14.02 - \$1,475,000**

**Recommendation:** Motion to approve Resolution No. 141-20 for the purchase of one (1) new Pierce Velocity Fire Apparatus in an amount not-to-exceed \$1,475,000 utilizing the Florida Sheriff's Association Contract No. FSA20-VEF14.02.

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

**Attachments:** [Agenda Cover Report](#)  
[Resolution](#)  
[FSA TC Contract Amendment Combined 4302020](#)  
[Ten 8 Quote](#)

**6.H.6. APPROVAL OF RESOLUTION NO. 143-20 TO AWARD AN AGREEMENT TO ADVANCED DATA PROCESSING, INC. (ADPI) A SUBSIDIARY OF R1 RCM INC. FOR THE ADMINISTRATION, PROCESSING AND COLLECTION OF ALL COSTS ASSOCIATED WITH EMERGENCY MEDICAL SERVICES (EMS) PATIENTS MEDICAL BILLING AND RELATED PROFESSIONAL SERVICES UTILIZING CITY OF TAMARAC SOLICITATION 16-14 R - \$114,000**

**Recommendation:** Motion to approve Resolution No. 143-20 to award an Agreement to Advanced Data Processing, Inc. (ADPI) a subsidiary of R1 for the administration, processing, and collection of all costs associated with EMS patients medical billing and related professional services in the estimated amount of \$114,000 through September 30, 2021, which is budgeted for FY2021, utilizing the City of Tamarac Solicitation No16-14R, and authorizing the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** Purchasing Department and Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Advanced Data Processing](#)  
[143-20 Resolution Advanced Data Processing Inc](#)  
[P2020-045 ADPI Agreement](#)

**7. REGULAR AGENDA:**

**7.A. NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD**

**Recommendation:** Motion to approve nominations for appointment for one (1) regular member to serve on the Planning and Zoning Board for a two (2) year term ending August 31, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Planning & Zoning Board 2020](#)  
[PZ Quarterly Attendance 1st 2nd](#)  
[Berenberg](#)  
[Burns](#)  
[Cabana](#)  
[Candia](#)  
[Cherelus](#)  
[Cope](#)  
[Cortezi](#)  
[Davey](#)  
[Dickson](#)  
[Fredericks](#)  
[Gray](#)  
[Lieberman](#)  
[Morrison](#)  
[Nesi](#)  
[Stepner](#)  
[Stewart](#)  
[Sylvestre](#)  
[Umbdendtock](#)  
[Van Arnem](#)  
[Warner](#)  
[Youngblood](#)

**7.B. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Recommendation:** Motion to approve the nomination for appointment for one (1) regular member to serve on the Board of Adjustment for a two (2) year term ending August 31, 2022 and one (1) alternate member to serve an unexpired term ending August 31, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Board of Adjustment](#)  
[2020 BOA QUARTERLY ATTENDANCE-1st 2nd](#)  
[Davey](#)  
[Cabana](#)  
[Candia 2](#)  
[Cherelus](#)  
[Clark](#)  
[Evola](#)  
[Fredericks 2](#)  
[Purdo](#)

**7.C. DISCUSSION OF SEA GRAPE TRIMMING OPTIONS ON MUNICIPAL BEACH**

**Recommendation:** Discussion of options to trim sea grapes on the City of Delray Beach (City) Municipal Beach and to provide direction on which option(s) City Staff is to proceed with implementing.

**Sponsors:** Public Works Department

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

**7.D. APPROVAL OF RESOLUTION NO. 150-20 TO REPEAL RESOLUTION NO. 21-12 AUTHORIZING THE ESTABLISHMENT OF THE DELRAY BEACH ECONOMIC DEVELOPMENT FUND (FUND) AND THE DISBURSEMENT OF FUNDS FROM THE FUND INTO THE GENERAL FUND**

**Recommendation:** Motion to approve Resolution No. 150-20 to repeal Resolution No. 21-12 authorizing the establishment of the Fund and the disbursement of funds from the General Fund into the Fund. The resolution will dissolve the Fund and direct the disbursement of funds of one million dollars (\$1,000,000) currently in the Fund back into the City's Unrestricted General Fund reserves.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Res 21-12](#)  
[Resolution 150-20](#)

**8. PUBLIC HEARINGS:****8.A. RESOLUTION NO. 145-20: TENTATIVE MILLAGE LEVY**

**Recommendation:** Motion to approve Resolution No. 145-20 Tentative Millage Levy for FY 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 145-20 TENTATIVE MILLAGE LEVY FY 2021](#)

**8.B. RESOLUTION NO. 146-20: TENTATIVE MILLAGE LEVY/DDA**

**Recommendation:** Motion to approve Resolution No. 146-20 Tentative DDA Millage Rate for FY 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[DDA FY20-21 Budget Review memo for City Commission 9.10.20](#)  
[DBDDA 2020\\_2021 Proposed Budget For City Commission Presentation](#)  
[FY20-21 DDA Budget Hearing](#)  
[Resolution 146-20 TENTATIVE MILLAGE DDA](#)

**8.C. RESOLUTION NO. 147-20: TENTATIVE BUDGET ADOPTION FOR FY 2021**

**Recommendation:** Motion to approve Resolution No. 147-20 Tentative Budget Adoption for FY 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A 2021 1st Hearing 9.10.20](#)  
[Resolution 147-20 TENTATIVE BUDGET ADOPTION FOR FY 2021](#)

**8.D.** ORDINANCE NO. 23-20: 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 ONE, "GENERAL PROVISIONS", ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.2, "AUTHORITY," AND ARTICLE 1.2, "EFFECT ON EXISTING LAW AND PREVIOUS DEVELOPMENT APPROVALS," SECTION 1.2.2, "PREVIOUS DEVELOPMENT APPLICATION APPROVALS"; CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "THE DEVELOPMENT SERVICES MANAGEMENT GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SECTION 2.2.6, "THE HISTORIC PRESERVATION BOARD", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS," CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.1, "REQUIRED FINDINGS FOR LAND USE AND LAND DEVELOPMENT APPLICATIONS," SECTION 3.1.1, "REQUIRED FINDINGS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.1, "BASIS FOR DETERMINING CONSISTENCY", SECTION 3.2.2, STANDARDS FOR REZONING ACTIONS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS," AND SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," CHAPTER 4, "ZONING REGULATIONS," ARTICLE, 4.2, "ANNEXATION AND INITIAL ZONING," SECTION 4.2.1, "AUTHORITY FOR ANNEXATIONS," SECTION 4.2.3, "ZONING," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)", SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS", SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT", SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT", SECTION 4.4.10, "AUTOMOTIVE COMMERCIAL (AC) DISTRICT", SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT"; SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SECTION 4.4.16, "PROFESSIONAL AND OFFICE DISTRICT (POD), SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT", SECTION 4.4.22, "OPEN SPACE DISTRICT", SECTION 4.4.23 "CONSERVATION DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT", SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SECTION 4.4.27 "OPEN SPACE AND RECREATION (OSR) DISTRICT", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," SECTION 4.5.6, "THE WEST ATLANTIC AVENUE OVERLAY DISTRICT," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SECTION 4.6.20, "TRANSFER OF DEVELOPMENT RIGHTS," CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.1, "GENERAL PROVISIONS," SECTION 5.1.5, "COMPLIANCE WITH THE COMPREHENSIVE PLAN," CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," ARTICLE 8.3, "WEST ATLANTIC AVENUE NEIGHBORHOOD IMPROVEMENT DISTRICT," SECTION 8.3.5, "AUTHORITY TO

APPLY FOR AND RECEIVE GRANTS," TO PROVIDE UPDATED REFERENCES TO AND CLARIFICATIONS RESULTING FROM THE ADOPTION OF THE ALWAYS DELRAY COMPREHENSIVE PLAN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Recommendation:** Review and consider Ordinance No. 23-20 on Second Reading, City-initiated amendments to the Land Development Regulations to provide updated references to and clarifications resulting from the adoption of the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No 23-20 Always Delray LDR Amendments.docx](#)  
[Legal Review Ord 23-20 Amend LDR re Comp Plan.docx](#)

- 8.E.** ORDINANCE NO. 31-20: 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 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE AURA DELRAY BEACH OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAM FOR THE SOUTHWEST 10TH STREET, I-95/CSX RAILROAD CORRIDOR, AND SILVER TERRACE COURTYARDS OVERLAY DISTRICTS," TO ESTABLISH THE AURA DELRAY BEACH OVERLAY DISTRICT; 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. 31-20 on Second Reading, privately-initiated amendments to the Land Development Regulations (LDR), specifically Section 4.3.4(J)(4), Increases to height regulations, to list the Aura Delray Beach Overlay District as eligible to increase the maximum building height up to 60 feet, subject to conditional use approval; and to amend Article 4.7, Family/Workforce Housing, to establish the Aura Delray Beach Overlay District as a workforce housing overlay and requiring a minimum of 25 percent of the units in the development to be provided on-site as workforce housing units.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 31-20](#)  
[Ordinance No. 31-20: Request and Justification](#)  
[Ordinance No. 31-20: Applicant Analysis](#)  
[Ordinance No. 31-20: Planning and Zoning Board Staff Report](#)  
[Ordinance No. 31-20: Legal Review](#)



**8.F. ORDINANCE NO. 44-20, TO INDIVIDUALLY DESIGNATE “THE WELLBROCK HOUSE” AT 20 & 22 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (SECOND READING)**

**Recommendation:** Review and consider Ordinance No. 44-20 on Second Reading for the Individual Designation of “The Wellbrock House” at 20 & 22 North Swinton Avenue on the Local Register of Historic Places.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord. No. 44-20-The WellBrock House](#)  
[HPB Staff Report-22 N Swinton Ave](#)  
[Designation Report-22 N. Swinton Avenue](#)  
[Historic Building Plans-22 N. Swinton Avenue](#)  
[Survey-215 NE 7th Avenue-22 N. Swinton Avenue](#)  
[Photographs-22 N. Swinton Avenue](#)  
[Survey and Draft Site Plan-22 N. Swinton Avenue](#)  
[Simple Legal Review Approval Wellbrock House](#)

**9. FIRST READINGS:**

**9.A. ORDINANCE NO. 51-20: APPROVAL OF A MODIFICATION OF THE FEE SCHEDULE IN ORDINANCE 96.66 TO PROVIDE FOR AN INCREASE IN FEES FOR EMERGENCY MEDICAL TRANSPORTS (FIRST READING)**

**Recommendation:** Staff recommends the approval of the modifications to the fee schedule in city ordinance 96.66 to provide for additional revenue to be collected for emergency medical transport fees.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 51-20 Amending Sec 96.66 EMT Fees](#)  
[Sec. 96.66. EMERGENCY MEDICAL TRANSPORTATION FEES. \(1\)](#)  
[Legal Review Checklist](#)

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**