

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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

www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, February 9, 2021

Commission Chambers

Virtual Meeting

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Adam Frankel

Commissioner Juli Casale

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

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

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

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

APPELLATE PROCEDURES

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

1. ROLL CALL**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:
January 19, 2021 Regular City Commission Meeting
January 19, 2021 Special City Commission Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 19, 2021 Regular Commission Meeting Minutes - DRAFT](#)
[January 19, 2021 Special Meeting Minutes - DRAFT](#)

6.B. APPROVAL TO ALLOW THE FIRE RESCUE DEPARTMENT TO APPLY FOR THE FY 2020 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR THE PURCHASE OF A LIGHT & AIR TRUCK IN THE AMOUNT OF \$431,964.00.

Recommendation: Staff recommends approval to apply for AFG funding opportunity number DHS-20-GPD-044-00-98 for the purchase of a light and air truck.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[fema fy-2020 afg notice-of-funding-opportunity](#)
[Agenda Item 21-162 Simple Legal Review Approval](#)

6.C. RETROACTIVE APPROVAL OF RESOLUTION NO. 39-21 APPROVING AN AGREEMENT WITH PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, FOR PUBLIC SAFETY RADIO SYSTEM SERVICES - \$135,000

Recommendation: Motion to retroactively approve Resolution No. 39-21 approving an agreement with Palm Beach County, a political subdivision of the State of Florida, for public safety radio system services, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 39-21_lw](#)
[Legal Review Checklist Interlocal](#)
[Delray Beach HUB Agmt 2](#)

6.D. APPROVAL OF EXPENDITURES IN THE AMOUNT OF \$36,000 WITH AIRGAS USA, LLC FOR LIQUID CARBON DIOXIDE FOR THE UTILITIES DEPARTMENT

Recommendation: Motion to approve expenditures in the amount of \$36,000 with Airgas USA, LLC for liquid carbon dioxide for the Utilities Department.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Airgas_BidWaiverMemo_Revised additional spend.pdf](#)

6.E. INTERLOCAL AGREEMENT FOR THE DELIVERY OF MUNICIPAL SOLID WASTE TO DESIGNATED FACILITIES AND FOR A MUNICIPAL REVENUE SHARING RECYCLING PROGRAM

Recommendation: Motion to Approve acceptance of an Interlocal Agreement between the Solid Waste Authority of Palm Beach County (SWA) and the City of Delray Beach (City) for the delivery for Municipal Solid Waste to Designated Facilities and for the operation of a recycling program between SWA and the City.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Legal Review ILA with Solid Waste Authority of Palm Beach re Recyclable Prog](#)
[ILA with Solid Waste Authority of Palm Beach County re Recyclable Program](#)

6.F. AMENDMENT TO THE GENERAL CONSTRUCTION FUND BUDGET IN THE CAPITAL IMPROVEMENT PROGRAM FOR LEASE PAYMENT IN THE AMOUNT OF \$644,000 TO COMMUNITY LEASING PARTNERS, INC. FOR SELF-CONTAINED BREATHING APPARATUS (SCBA) AND CYLINDER EQUIPMENT TO BE USED BY THE FIRE DEPARTMENT

Recommendation: Motion to Approve Amendment to the General Construction Fund in the amount of \$585,455 Federal Grants FEMA/SCBA and \$58,545 in Prior Year Surplus to make the initial lease payment of \$644,000.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Amendment No. 1 - Financing for 116 Scott Community Leasing Partners, Inc.](#)
[January 16 2020 Agenda Cover Memo](#)
[Budget Amendment Support - Narrative Fund 334](#)

6.G. PROCLAMATIONS:

6.G.1. PROCLAMATION TO DECLARE THE DESIGNATION OF PRECINCTS AND POLLING LOCATIONS FOR THE MARCH 09, 2021 FIRST NON-PARTISAN MUNICIPAL ELECTION IN THE CITY OF DELRAY BEACH.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[PRECINCT PROCLAMATION 2021](#)

6.G.2. EATING DISORDERS AWARENESS WEEK - FEBRUARY 22, 2021 - FEBRUARY 28, 2021

Recommendation: Motion to Proclaim February 22, 2021 - February 28, 2021 as Eating Disorders Awareness Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Eating Disorder Awareness Week](#)

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

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 4, THROUGH JANUARY 22, 2021.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 290 SE 2nd Avenue](#)
[B - 3640 Village Dr](#)
[C - 110 E Atlantic Avenue](#)
[D - Delray Beach Market](#)
[E - Spanish Trail Condominium](#)
[F - Banyan Court](#)
[G - The George](#)
[H - 201 NE 5th Court](#)
[I - 120 NW 4th Ave](#)

6.I. AWARD OF BIDS AND CONTRACTS:**6.I.1. APPROVAL OF RESOLUTION NO. 02-21 TO AWARD AN AGREEMENT WITH UNIFIRST CORPORATION; TO PROVIDE UNIFORMS WITH RELATED PRODUCTS AND SERVICES, UTILIZING SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGREEMENT NO. 040920 - \$461,480****Recommendation:**

Motion to approve Resolution No. 02-21 to award an Agreement with UniFirst Corporation for the purchase of uniforms with related products and services in the estimated amount of \$461,480 through May 24, 2024, of which \$115,370 is budgeted for FY2021, utilizing Sourcewell Solicitation No. 040920, a State of Minnesota local government agency and service cooperative, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Master Contractor Services Agreement with UniFirst Corporation](#)
[Legal Review Checklist Unifirst Sourcewell Piggyback](#)
[UniFirst Contract 040920](#)
[Expiring Contract Extension Letter \(2016-025\)](#)
[Resolution 02-21 UniFirst Corp_](#)

- 6.1.2.** APPROVAL OF RESOLUTION NO. 21-21 TO APPROVE AN AGREEMENT WITH WGI, INC. FOR DESIGN SERVICES FOR NORTH SWINTON AVENUE ROADWAY UNDERGROUND UTILITY IMPROVEMENTS PURSUANT TO RFQ NO. 2020-007 (PROJECT NO. 19-012) - \$914,004

Recommendation: Motion to Approve Resolution No. 21-21 to award an Agreement with WGI, Inc. for Design Services for North Swinton Avenue Roadway Underground Utility Improvements pursuant to RFQ No. 2020-007 (Project No. 19-012), in an amount not to exceed \$914,004.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement - RFQ 2020-007 North Swinton SIGNED](#)
[Exhibit A - RFQ 2020-007 North Swinton Scope and Fee Proposal 12-9-20](#)
[Exhibit B - Swinton Ave Fee Schedule 12-09-20](#)
[Resolution No. 21-21 North Swinton WGI](#)
[Legal Review Checklist WGI Agreement Roadway Underground Utility Improver](#)
[WGI City of Delray Beach North Swinton Ave Roadway Underground Utili](#)
[2020-007 Scoring Summary after Technical Eval North Swinton Ave. Design fir](#)

- 6.1.3.** APPROVAL OF RESOLUTION NO. 32-21 TO AWARD AN AGREEMENT WITH REP SERVICES, INC., FOR EQUIPMENT FOR PARKS AND PLAYGROUNDS, UTILIZING CLAY COUNTY, FLORIDA AGREEMENT NO. RFP 18/19-2 - \$179,000

Recommendation: Motion to approve Resolution No. 32-21 to award an Agreement with REP Services, Inc. for the purchase of playground equipment, surfacing, shade structures and installation, in the estimated amount of \$179,000, utilizing Clay County, Florida Agreement No. RFP 18/19-2.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Scan_Harris_Destinie_08_36_07-01-2021](#)
[Legal Review Checklist Clay County Piggyback with REP Services Inc.](#)
[RFP No. 18 19-2](#)
[Reso 32-21 Clay County RFP No. 1819-2 Piggyback](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 04-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 9 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 10-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 4 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 11-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 5 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 12-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 6 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 13-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 7 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 14-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 8

BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 15-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 13 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 16-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 14 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 17-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 15 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 18-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 16 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 19-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 17 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 04-21 (Lot 9 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.10-21 (Lot 4 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.11-21 (Lot 5 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.12-21 (Lot 6 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.13-21 (Lot 7 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.14-21 (Lot 8 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.15-21 (Lot 13 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.16-21 (Lot 14 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 17-21 (Lot 15 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 18-21 (Lot 16 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 19-21 (Lot 17 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Sponsors:

Development Services Department

Attachments:[Agenda Cover Report](#)[Plat](#)[Unity of Title](#)[Res No. 04-21 \(Lot 9 Block 5\)](#)[Exhibit A- Res. No. 04-21](#)[Res No. 10-21 \(Lot 4 Block 5\)](#)[Exhibit A -Res. No 10-21](#)[Res No. 11-21 \(Lot 5 Block 5\)](#)[Exhibit A - Res.No. 11-21](#)[Res No. 12-21 \(Lot 6 Block 5\)](#)[Exhibit A - Res. No 12-21](#)[Res No. 13-21 \(Lot 7 Block 5\)](#)[Exhibit A -Res.No 13-21](#)[Res No. 14-21 \(Lot 8 Block 5\)](#)[Exhibit A - Res.No. 14-21](#)[Res No. 15-21 \(Lot 13 Block 5\)](#)[Exhibit A - Res. No 15-21](#)[Res No. 16-21 \(Lot 14 Block 5\)](#)[Exhibit A -Res No 16-21](#)[Res No. 17-21 \(Lot 15 Block 5\)](#)[Exhibit A - Res. No 17-21](#)[Res No. 18-21 \(Lot 16 Block 5\)](#)[Exhibit A - Res. No 18-21](#)[Res No. 19-21\(Lot 17 Block 5\)](#)[Survey - Res. No 19-21](#)[Simple Legal Review Approval 10-21](#)[Simple Legal Review Approval 11-21](#)[Simple Legal Review Approval 12-21](#)[Simple Legal Review Approval 13-21](#)[Simple Legal Review Approval 14-21](#)[Simple Legal Review Approval 15-21](#)[Simple Legal Review Approval 16-21](#)[Simple Legal Review Approval 17-21](#)[Simple Legal Review Approval 18-21](#)[Simple Legal Review Approval 19-21](#)

- 7.B.** RESOLUTION NO. 40-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL AND APPROVING A WAIVER TO SECTION 5.3.1(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR A REDUCTION OF THE REQUIRED RIGHT OF WAY DEDICATION FOR THE PROPERTY LOCATED AT 816 PALM TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 40-21 of an appeal to section 5.3.1(A) of the Land Development Regulations to allow a reduction of an alley right of way.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 40-21](#)
[Surevey - Res. No 40-21](#)
[Appeal Letter](#)
[Simple Legal Review Approval 40-21](#)

- 7.C.** RESOLUTION NO. 24-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LYING WEST OF THE INTRACOASTAL WATERWAY AND ADJACENT TO THE PROPERTY LOCATED AT 823 NE 1ST COURT, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY FIVE THOUSAND FIVE HUNDRED AND TWENTY-THREE SQUARE FEET (5,523 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider the Resolution No. 24-21 for an Abandonment of interest from the City in a portion of the Canal Street right-of-way.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Reso No. 24-21](#)
[Reso No. 24-21: PZB Staff Report](#)
[Reso No. 24-21: Canal Street Abandonment Map](#)
[Reso No. 24-21: Applicant Narrative Letter](#)
[Reso No. 24-21: ROW Survey](#)
[Reso No. 24-21: City Engineer Review](#)
[Reso No. 24-21: 823 NE 1st Court Survey](#)
[Legal Review Reso 24-21 Abandonment for 823 NE 1st Court](#)

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

Recommendation: Motion to Ratify the 46th Extension of the State of Emergency for COVID-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[46th Extension State of Emergency - COVID-19](#)

7.E. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) alternate member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[1272021 Exhibit A](#)
[Code Enforcement Board 2021](#)
[Code Enforcement Attendance form 2020 01072021](#)
[Kasser](#)
[Lee](#)
[Rose](#)
[Ruen](#)

7.F. NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve nominations for appointment on the Education Board is needed for one (1) regular member to serve an unexpired term ending July 31, 2022, and one (1) regular member to serve for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[01252021 Exhibit A](#)
[Education Board 2020 1](#)
[ATTENDANCE RECORDS 2020](#)
[Cherelus](#)
[Cruz](#)
[Lapierre](#)
[Nevin](#)
[Newbold](#)
[Purdo](#)
[Talley](#)
[Van Horn](#)

7.G. DISCUSSION AND DIRECTION REGARDING THE HANDLING OF REQUEST RECEIVED FROM DELRAY INTRACOASTAL CRUISES FOR EXCUSAL OF PAYMENTS BASED ON INVOCATION OF FORCE MAJEURE CONTRACTUAL PROVISIONS

Recommendation: Staff seeks direction regarding the handling of requests received from Delray Intracoastal Cruises for excusal of payments based on invocation of force majeure contractual provisions.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Delray Yacht Cruises 12.2020 Letter](#)
[Delray Intracoastal Cruises March 2019-October 2019 and March 2020-October](#)
[Delray Intracoastal payment schedule](#)
[RFP 2018-031 FULL](#)
[Delray IntraCoastal Cruises Executed Agreement 2018-031](#)
[Email Re Dockage Fees](#)

7.H. DISCUSSION REGARDING COVID-19 TEMPORARY MEASURES

Attachments: [Agenda Cover Report](#)

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

9.A. ORDINANCE NO. 03-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUBSECTION (C), "ALLOWABLE USES," TO EXPAND THE AREAS WHEREIN AUTOMATED PARKING GARAGES ARE A PERMISSIBLE USE; BY AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS," TO ADD THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT AS AN EXCEPTION TO STANDARD BUILDING HEIGHT REGULATIONS OF THE CENTRAL BUSINESS DISTRICT; BY AMENDING TABLES 4.4.13(B), "BUILDING HEIGHT," AND 4.4.13(C), "DIMENSIONAL REQUIREMENTS BY CBD SUB-DISTRICT", TO INCREASE THE MAXIMUM NUMBER OF STORIES ALLOWED IN THE RAILROAD CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; BY AMENDING SUBSECTION (H), "INCENTIVE PROGRAM," TO REQUIRE THE PROVISION OF WORKFORCE HOUSING FOR A DENSITY INCREASE ABOVE 30 DWELLING UNITS PER ACRE WITHIN THE RAILROAD-CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 03-21 on First Reading, privately-initiated amendments to the Land Development Regulations for the portion of the Central Business District (CBD) Railroad Corridor Sub-district located south of SE 2nd Street to increase the maximum number of stories allowed from four to five within the current maximum height of 54 feet, increase the maximum density from 30 to 70 dwelling units per acre as part of a Residential Incentive Program that requires at least 20 percent of the bonus density be provided as on-site workforce housing units, and expand the locations for Automated Parking Garages to include any Secondary Street within the Railroad Corridor Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 03-21](#)
[Ord. No. 03-21: Staff Report](#)
[Ord. No. 03-21: Applicant Support of Request](#)
[Ord. No. 03-21: Applicant Narrative](#)
[Ord. No. 03-21: Map AD-5](#)
[Ord. No. 03-21: Legal Review](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

10.A.1 City Manager Update Memo

.

Attachments: [Agenda Cover Report](#)
 [CM Updates 2.8.2021](#)

B. City Attorney

C. City Commission