

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Minutes - Final

Tuesday, February 9, 2021

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Adam Frankel

Commissioner Juli Casale

1. ROLL CALL

The City Commission Meeting was called to order at 4:00 p.m.

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Others present were:
Jennifer Alvarez, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

Commissioner Frankel made a motion to approve the agenda. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

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

None

B. From the Public

Dorcus Luciene, residing at 229 SE 2nd Avenue, Delray Beach, commented in support of item 9.A.

James Quinlin residing at 925 SE 2nd Avenue, Delray Beach, represented his homeowner's association and expressed his support for item 9.A. He

believed this project has been needed for years and would be great for the neighborhood.

Ken Rock, residing at 217 SE 3rd Avenue, Delray Beach, voiced his support for item 9.A.

Gayle Lee McDermitt, residing 721 SE 3rd Avenue, Delray Beach, recommended the Commissioners vote in support of item 9.A. due to the project being the right development and location.

Albert D. Thorp Jr., residing at 901 SE 4th Avenue, Delray Beach, commented that item 9.A. is the perfect project to revitalize the area near the train tracks and requested the Commissioners to approve the item.

Thomas Johnson, residing 148 SE 1st Avenue, Delray Beach, called to express his support for item 9.A.

Maureen Xavier, Employee of Paradise Services, located at 201 SE 2nd Avenue, Delray Beach, requested the Commissioners to vote in favor of item 9.A.

Margaret Keller, residing at 729 SE 3rd Avenue, Delray Beach, was in favor of item 9.A.

Kurt Lehmann, residing at 111 SE 2nd Avenue, Suite 102, Delray Beach, called in support of item 9.A.

Andrew Haywood, residing at 314 SE 1st Avenue, Delray Beach, expressed his concerns about traffic measures, litter, and overdevelopment in the Osceola Park area. Should item 9.A. be approved he hopes the developer would work with the community to make the project part of the neighborhood.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel made a motion to approve the consent agenda. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

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.

Body: Recommended Action:

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

Body: Recommended Action:

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

Body: **Recommended Action:**

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

Body: **Recommended Action:**

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 Program](#)
[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

Body: **Recommended Action:**

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. Div. of Community First National Bank](#)
[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.

Body: **Background:**

The Charter and the Code of Ordinances of the City of Delray Beach, Florida, provides for the calling of a First Nonpartisan Municipal Election for the purpose of electing a Mayor and two (2) City Commissioners. Said Charter and Code of Ordinances also provides that the City Commission deems it necessary to call for the First Nonpartisan Municipal Election on the second Tuesday of March each year in which a term of the Mayor or Commissioner expires.

The Mayor of the City of Delray Beach, Florida, on behalf of the City Commission, do hereby call for the First Nonpartisan Municipal Election to be held on Tuesday, March 09, 2021 between the hours of 7:00 a.m. and 7:00 p.m., at all the precincts and polling places in the City of Delray Beach as designated by the Supervisor of Elections.

All qualified electors of the City of Delray Beach, Florida, shall be qualified to vote in such election.

City Attorney Review:

N/A

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A

Sponsors: City Clerk Department

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

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

Body: **Recommended Action:**

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.

Body: **Recommended Action:**

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

Body: **Recommended Action:**

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

Body: **Recommended Action:**

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 Improvements](#)
[WGI City of Delray Beach North Swinton Ave Roadway Undergro und Utility Improvements RFQ 2020-007](#)
[2020-007 Scoring Summary after Technical Eval North Swinton Ave. Design final 5.14.20](#)

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

Body: Recommended Action:

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)

Body: Recommended Action:

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](#)

Items 7.A. and 7.B. are interrelated and were presented together.

Mayor Petrolia read the Quasi-Judicial rules and asked her colleagues if they had any ex-parte communications. The following was disclosed:

Commissioner Frankel: Received an email from Mr. Carney
Commissioner Casale: Received an email from Mr. Carney
Deputy Vice Mayor Johnson: Received an email from Mr. Carney
Vice Mayor Boylston: Received an email from Mr. Carney
Mayor Petrolia: Received an email from Mr. Carney

Katerri Johnson, City Clerk, swore in Thomas Carney who provided testimony on this item.

Anthea Gianniotis, Development Services Director, read File No. 2021-40 into the record.

Thomas Carney presented the proposed Palm Trail waiver requests to the Commissioners.

Ms. Gianniotis presented a staff report on items 7.A. and 7.B. She informed the Commission about the relation between the proposed property's waiver request, the City's current land development regulations, and workforce housing requirements. Ms. Gianniotis reported that the project was not supported by the City Engineer or by the Development Services Management Group.

There was a five-minute recess from 4:52 p.m. - 4:57 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Thomas Carney provided cross-examination pertaining to the right-of-way width provisions in Ms. Gianniotis' presentation.

Patrick Figurella, City Engineer, explained the reasoning behind the 20ft rule.

Mr. Carney provided rebuttal relating to the alley and precedent for buildings located on the eastern side of the alley.

The Commissioners asked Ms. Gianniotis, Mr. Carney, Mr. Figurella, and Hassan Hadjimiry, Utilities Director, questions about the property and proposal.

Lynn Gelin, City Attorney, recommended granting the appeal relieving the

obligation of the 2.5ft dedication with the condition of correcting the resolution to include a utility easement when appropriate.

Commissioner Frankel made a motion to approve Resolution No. 40-21 with a 2.5ft easement. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

Lynn Gelin, City Attorney, reported that Resolution No. 04-21 was moot did not need to be voted on because Resolution No. 40-21 was approved.

Vice Mayor Boylston made a motion to approve Resolution No. 10-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 11-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 12-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 13-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 14-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 15-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 16-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 17-21 It was seconded by Commissioner Frankel. The vote was taken, and the

motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 18-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston made a motion to approve Resolution No. 19-21 It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

- 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).

Body: **Recommended Action:**

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](#)

This item was addressed and approved in section 7.A.

- 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)

Body: **Recommended Action:**

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](#)

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: None

Deputy Vice Mayor Johnson: Spoke with Mr. Costello and Mr. Schiller

Commissioner Casale: Spoke with Mr. Costello and received a text message from Mr. Schiller

Commissioner Frankel: Spoke with Mr. Schiller

Mayor Petrolia: Spoke with Mr. Costello and Mr. Schiller

Katerri Johnson, City Clerk, swore in Neil Schiller and Jeff Costello who provided testimony on this item.

Anthea Gianniotis, Development Services Director, entered File No. 2021-34 into the record.

Neil Schiller, Attorney with Saul, Ewing Arnstein, and Lehr, residing at 515 N. Flagler Drive, West Palm Beach, gave a presentation on behalf of the applicant, the Buscher family. He informed the Commissioners that the Planning and Zoning Board voted unanimously in support of the project. Additionally, he noted should this proposal pass the Army Corps would also need to review and approve the project.

Ms. Gianniotis presented a staff report on the proposed project.

There was a five-minute recess from 6:02 p.m.- 6:07 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City

Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Vice Mayor Boylston made a motion to approve resolution 24-21. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

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

Body: Recommended Action:

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](#)

Deputy Vice Mayor Johnson made a motion to approve the ratification of the 46th Extension of the State of Emergency for COVID-19. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

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

Body: Recommended Action:

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](#)

Mayor Petrolia nominated Ingrid Lee to the Code Enforcement Board. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

7.F. NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD

Body: **Recommended Action:**

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](#)

Mayor Petrolia deferred her nomination.

Commissioner Frankel nominated Angelica Nevin to the Education Board. It was seconded by Vice Mayor Boylston. The motion carried by the

following vote:

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

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

Body: Recommended Action:

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 2020 \(1\) \(1\)](#)

[Delray Intracoastal payment schedule](#)

[RFP 2018-031 FULL](#)

[Delray IntraCoastal Cruises Executed Agreement 2018-031](#)

[Email Re Dockage Fees](#)

Jennifer Alvarez, Interim City Manager, provided background on Delray Intracoastal Cruises' request.

Samuel Metott, Director of Parks and Recreation, further explained that Delray Intracoastal Cruises is requesting an extension of services until the end of March. He informed the Commission that Delray Intracoastal Cruises applied for PPE loans and informed the City of their struggles throughout the pandemic.

The Commissioners engaged in a discussion about providing Delray Intracoastal Cruises temporary relief.

Missie Barletto, Director of Public Works, answered questions about the Veterans Park seawall.

Ms. Alvarez clarified for the record that this proposal would provide relief for Delray Intracoastal Cruises' monthly fees and not their contract obligation to pay for repairs.

There was consensus to give Delray Intracoastal Cruises reprieve for their monthly fees

7.H. DISCUSSION REGARDING COVID-19 TEMPORARY MEASURES

Attachments: [Agenda Cover Report](#)

Chris Bell, Emergency Preparedness Manager, gave a presentation on COVID-19 cases throughout the state. He reported 1.8 million people in Florida have had COVID-19; 30,000 people have passed away due to the virus, and 8,350 have tested positive for COVID-19 in the City of Delray Beach.

The Commissioners asked Mr. Bell questions and thanked him for his presentation.

Anthea Gianniotis, Development Services Director, provided an overview of the city's current special event precautions. She requested guidance from the Commissioners on whether to continue the moratorium on events or to allow some events to resume through a phased approach.

Keith Tomey, Fire Chief, used the City of West Palm Beach as a model and provided examples of what events would look like if they were allowed back in small and ticketed increments.

Laura Simon, Executive Director of the Downtown Development Authority, further explained precautions and oversight for safety pertaining to events like Savor the Avenue. (Safer the Avenue)

A discussion ensued amongst the Commissioners and staff. There was consensus to move forward with a phased approach.

Ms. Gianniotis provided an update on sidewalk cafes. There was consensus to extend sidewalk cafes until September 30, 2021. Businesses would be billed equitably in June.

Ms. Gianniotis requested direction regarding temporary private use areas, standalone bars, and sign codes.

The Commissioners engaged in a discussion with Ms. Gianniotis and Ms. Simon.

There was consensus to continue temporary private use areas, allow standalone bars to stay open until 11:00 p.m. seven days a week with an outdoor component, and to allow retail establishments additional signage until the end of September 30, 2021.

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)

Body: Recommended Action:

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](#)

Lynn Gelin, City Attorney, read Ordinance No. 03-21 into the record.

Christina Bilenki, Attorney with Dunay, Miskel, and Backman LLP, located at 14 SE 4th St #36, Boca Raton, FL 33432 presented the proposed CBD Railroad Corridor South Sub-District Land Development Regulations Amendment.

Anthea Gianniotis, Development Services Director, presented a staff report to the Commission and showed the Commission letters of support from neighbors of the proposed project. She informed the Commission the Planning and Zoning board voted 4-3 not to approve the revised plan on January 25, 2021.

Commissioner Frankel made a motion to approve Ordinance No. 03-21 on first reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

No: 2 - Mayor Petrolia, and Commissioner Casale

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None

10.A.1. City Manager Update Memo

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

B. City Attorney

None

C. City Commission

Vice Mayor Boylston and Deputy Vice Mayor Johnson requested to recognize Coach T.J. Jackson who is retiring as the Football Coach at Atlantic High School.

There was consensus.

Deputy Vice Mayor Johnson recognized Black History Month, congratulated C. Ron Allen for 30 years of service with the KOP Mentoring Network, invited everyone to participate in the Community Redevelopment Agencies Speaker Series, and invited the Commission to participate in the League of Cities meeting.

Lynn Gelin, City Attorney, requested to schedule a Closed Attorney Client Session Special Meeting for the IAFF Negotiations between the Union and the City.

There was consensus to schedule the Closed Attorney Client Session Special Meeting on February 18, 2021 at 12:00 p.m.

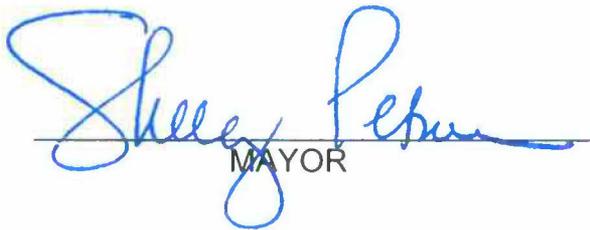
Mayor Petrolia requested an update on COVID-19 vaccines.

The Commissioners engaged in a discussion with Jennifer Alvarez, Interim City Manager, about creating a vaccine hotline and ways to help senior citizens get access to the vaccine.

With no further business to discuss, the meeting was adjourned at 8:53 p.m.


City Clerk

ATTEST:


MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the February 9, 2021 City Commission Meeting held on February 09, 2021 which minutes were formally approved and adopted by the City Commission on March 2, 2021.


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.