

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, October 6, 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. SCHOOL DISTRICT OF PALM BEACH COUNTY - DIGITAL INCLUSION PRESENTATION**

Recommendation: No action required.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)
[DelrayBeachFRM_Density Map](#)
[Digital Inclusion Initiative - County-Wide Issues Forum Presentation](#)

4.B. GREEN IMPLEMENTATION ADVANCEMENT BOARD 2019 ANNUAL REPORT

Recommendation: Motion to Accept Report.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)
[GIAB Annual 2020 Presentation](#)

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. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ASHTON PAVLIK v. CITY OF DELRAY BEACH**

Recommendation: Motion to deny settlement proposed by Ashton Pavlik for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.B. LETTER OF SUPPORT FOR DELRAY BEACH HOUSING AUTHORITY FOR ISLAND COVE APARTMENTS

Recommendation: Motion to approve letter of support with Housing Authority for Island Cove Apartments.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Request Letter from Delray Beach Housing Authority](#)
[Attachment 16 Local Government Contribution Form - Grant \(002\)](#)

6.C. RESOLUTION NO. 183-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, ENCOURAGING LOCAL RETAIL STORES, RESTAURANTS, AND ALL CITY BUSINESSES TO REDUCE USE OF POLYSTYRENE PRODUCTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 184-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, ENCOURAGING CITY STAFF TO NEGOTIATE "NO POLYSTYRENE" CLAUSES INTO CITY CONTRACTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 183-20 encouraging local retail stores, restaurant, and all city businesses to reduce the use of polystyrene products and Resolution 184-20 encouraging City staff to negotiate "no polystyrene clauses" into City contracts

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 183-20 Encouraging Businesses to Stop Using Polystyrene Delray](#)
[Res 184-20 Encouraging City Staff to Negotiate No Polystyrene Clauses into Ci](#)

6.D. PROCLAMATIONS:**6.D.1. PROCLAMATION FOR FIRE PREVENTION MONTH 2020**

Recommendation: Motion to proclaim October 2020 as Fire Prevention Month.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Fire Prevention Month](#)

6.D.2. PROCLAMATION IN OBSERVANCE OF COLUMBUS DAY

Recommendation: Motion to declare Monday, October 12, 2020 as Columbus Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Columbus Day Observance](#)

6.D.3. PROCLAMATION FOR MEDIATION WEEK - OCTOBER 19-23, 2020

Recommendation: Motion to proclaim October 19-23, 2020 as Mediation Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mediation Week 2020](#)

6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.E.1. REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 31, THROUGH SEPTEMBER 11, 2020.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Appealable Report -223 NE 1st Ave](#)
[B - Appealable Report - 131 SE 7th Ave](#)

6.F. AWARD OF BIDS AND CONTRACTS:

- 6.F.1.** APPROVAL OF RESOLUTION NO. 148-20 TO APPROVE AN AGREEMENT WITH PLANNING/DESIGN, INC. D/B/A SANFORD GOLF DESIGN FOR RAW WATER TRANSMISSION MAIN REPLACEMENT AND GOLF COURSE RENOVATION DESIGN SERVICES PURSUANT TO RFQ NO. 2020-002 (PROJECT NO. 19-032); IN AN AMOUNT NOT TO EXCEED \$2,199,700

Recommendation: Motion to Approve Resolution No. 148-20 to award an Agreement with Planning/Design, Inc. d/b/a Sanford Golf Design for Raw Water Transmission Main Replacement and Golf Course Renovation Design Services pursuant to RFQ No. 2020-002 (Project No. 19-032, in an amount not to exceed \$2,199,700.

Sponsors: Public Works Department, Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement - Raw Water Main & Golf Course Reno - 9.10.20](#)
[Certificate of Insurance-Professional Liability](#)
[Certificate of Insurance-General Auto and Workers](#)
[Exhibit A - Scope of Services Combined](#)
[Exhibit B - Fee Summary Combined](#)
[Legal Review Checklist RFQ 2020-002 9.8.20](#)
[Resolution No. 148-20 Raw Water Transmission Golf Course - Sanford](#)
[Sanford Golf Design RFQ Submittal](#)
[2020-002 Scoring Summary after Technical Evals Golf Course final ranking 5.8](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 82-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(E)(4)(f)1.f.; APPROVING A THREE-STORY ARCADE OVER THE PUBLIC RIGHT-OF-WAY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 83-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13, (D)(1)(b)2.b APPROVING SIDE INTERIOR SETBACKS OF 2'-2³/₈" FOR THE WEST SIDE OF THE PROPERTY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 84-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(D)(2)(a) AND TABLE 4.4.13(C); APPROVING A TEN-INCH FRONT SETBACK FOR THE SECOND AND THIRD STORIES FOR THE NORTHEAST CORNER OF THE PROPERTY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution Nos. 82-20, 83-20, and 84-20.

Sponsors: Development Services Department

Attachments:

[Agenda Cover Report](#)

[Pierre Delray II - Waiver \(1\) - Res. 82-20 - Arcade](#)

[Pierre Delray II - Waiver \(2\) - Res. 83-30 - Side Interior Setback](#)

[Pierre Delray II - Waiver \(3\) - Res. 84-20 - Front Setback Corner Clip](#)

[Pierre Delray II - Waivers - Exhibit A for Res. 82-20, 83-20, 84-20](#)

[Pierre Delray II - Waivers - Location Map](#)

[Pierre Delray II - Waivers - SPRAB Staff Report](#)

[Pierre Delray II - Waiver \(1\) - Justification Statement](#)

[Pierre Delray II - Waiver \(2\) - Justification Statement](#)

[Pierre Delray II - Waiver \(3\) - Justification Statement](#)

[Pierre Delray II - Waivers - Site Plan Exhibit](#)

[Pierre Delray II - Waivers - REFERENCE ONLY - CLV Site Plans](#)

[Pierre Delray II - Waivers - Legal Review](#)

- 7.B.** RESOLUTION NO. 168-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING TWO WAIVER REQUESTS TO SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION 4(F)(3)(d), "VALET PARKING," OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE DIMENSIONS OF VALET AND TANDEM PARKING SPACES TO BE EIGHT FEET WIDE BY SIXTEEN FEET DEEP AND APPROVING DRIVE AISLE TO BE FIFTEEN FEET WIDE FOR THE DEVELOPMENT LOCATED AT 233 NE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

APPROVING A VALET PARKING AGREEMENT

Recommendation: Review and consider Resolution No. 168-20 and a Valet Parking Agreement associated with The Ray Hotel located at 233 NE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 168-20- Ray Waiver for Valet Parking](#)
[Res. No. 168-20 Exhibit A](#)
[The Ray Valet Parking and Waiver Justification Statement](#)
[The Ray Valet Restrictive Covenant Grove Rosebud Final.docx](#)
[Legal Review Resolution -168-20 - Valet Parking and Waiver.docx](#)

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

Recommendation: Motion to Ratify the 27th, and 28th Extensions of the State of Emergency for COVID -19 and Resolution Number 175-20 and Resolution Number 176-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 175-20 - COVID -19 Clarifying the reopening of certain business](#)
[Resolution 176-20 - COVID -19 Adopting PBC-EO26 Extending Facial Covering](#)
[27th Extension Emergency Declaration - COVID-19](#)
[28th Extension Emergency Declaration - COVID-19](#)

7.D. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Recommendation: Motion to approve the nomination for appointment for six (6) regular members to serve on the Affordable Housing Advisory Committee for a two (2) year term ending July 31, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Burns](#)

[Byrns](#)

[Cherelus](#)

[Jones](#)

[Kougoucheff](#)

[McGinnis](#)

[Nesi](#)

[Parsons](#)

[Pasquale](#)

[Sefer](#)

[Spates](#)

[Walker](#)

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 34-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE FROM HISTORIC MIXED USE (HMU) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 34-20 on First Reading, a privately initiated land use map amendment redesignating the property located at 37 West Atlantic Avenue and an abutting unaddressed parcel to the east from Historic Mixed Use (HMU) to Commercial Core (CC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 34-20: Land Use Designation](#)
[Ord. No. 34-20: PZB Staff Report](#)
[Ord. No. 34-20: Location Map](#)
[Ord. No. 34-20: Land Use justification](#)
[Ord. No. 34-20: Traffic Study](#)
[Ord. No. 34-20: Docs Place Renderings](#)
[Ord. No. 34-20: DDA Review](#)
[Ord. No. 34-20: Legal Review](#)

9.B. ORDINANCE NO. 35-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE PRESENTLY ZONED OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (B), "REGULATING PLANS," AND FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN;" BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTIONS 4.4.24(B), "PRINCIPAL USES AND STRUCTURES," 4.4.24(C), "ACCESSORY USES AND STRUCTURES PERMITTED," 4.4.24(E), "REVIEW AND APPROVAL PROCESS," AND 4.4.24(F), "DEVELOPMENT STANDARDS," TO REFLECT THE REZONING AND RE-DESIGNATION, AND IDENTIFY THE FLOOR AREA RATIO LIMITATION; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 35-20 on First Reading, a privately initiated rezoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) within the West Atlantic Neighborhood Sub-district, and associated amendments to the Land Development Regulations (LDR).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 35-20: Rezoning](#)
[Ord. No. 35-20: PZB Staff Report](#)
[Ord. No. 35-20: Location Map](#)
[Ord. No. 35-20: Rezoning justification](#)
[Ord. No. 35-20: Traffic Study](#)
[Ord. No. 35-20: Docs Place Renderings](#)
[Ord. No. 35-20: DDA Review](#)
[Ord. No. 35-20: Legal Review](#)

- 9.C.** ORDINANCE NO. 37-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR BY ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR SIXTY-ONE PARCELS OF LAND, WHICH MEASURES APPROXIMATELY 9.94± ACRES, AND RE-DESIGNATING SAID LAND FROM LOW DENSITY (LD) TO GENERAL COMMERCIAL (GC), TRANSITIONAL (TRN), AND MEDIUM DENSITY (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider a request to approve Ordinance No. 37-20, a City-initiated amendment to the Land Use Map from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 37-20 Silver Terrace Land Use](#)
[Silver Terrace Land Use: Staff Report](#)
[Silver Terrace: Location Map](#)
[Silver Terrace Land Use: History](#)
[Ord. No. 37-20 Legal Review](#)

- 9.D.** ORDINANCE NO. 41-20: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS," TO REMOVE THE DEVELOPMENT SERVICES FEE SCHEDULE FROM THE LAND DEVELOPMENT REGULATIONS AND TO UPDATE THE PROCEDURES FOR ESTABLISHING AND AMENDING DEVELOPMENT APPLICATION PROCESSING FEES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING).

Recommendation: Review and consider a request to approve Ordinance No. 41-20, a City-initiated amendment to LDR Section 2.4.3(K), Fees, to remove the Delray Beach Development Services Fee Schedule from the Land Development Regulations (LDRs) and establish procedures for adopting Development Services Fees.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 41-20, Fees](#)
[P&Z Board Report Ordinance No. 41-20, Fees](#)
[Legal Review Ordinance No. 41-20, Fees](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

- A. City Manager**
- B. City Attorney**
- C. City Commission**