

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

2nd Budget Public Hearing/Regular Meeting at 4:00 PM

Tuesday, September 22, 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. RESOLUTION NO. 86-20 RECOGNIZING JANET MEEKS FOR 30 YEARS OF SERVICE**

Recommendation: Motion to Approve Resolution No. 86-20 honoring Janet Meeks for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 86-20 Janet Meeks](#)

4.B. PRESENTING LATOYA JOHNSON, CUSTOMER SERVICE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2020.

Recommendation: Motion to present LaToya Johnson, Customer Service Assistant, with Employee of the Month for February 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Employee of Month \(February\) - LaToya Johnson.pdf](#)

4.C. PRESENTING CAPTAIN SEAN GIBSON, FIRE FIGHTER, WITH EMPLOYEE OF THE MONTH FOR MARCH 2020.

Recommendation: Motion to present Captain Sean Gibson, FIRE FIGHTER, with Employee of the Month for March 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Employee of the Month \(March\) - Sean Gibson.pdf](#)

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. FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY

Recommendation: Motion to approve renewal of Property, Excess Liability and Excess Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,374,080 for the coverage period 10/1/2020 through 9/30/2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[FMIT Renewal of Property Insurance Policy Memo](#)
[FMIT Quote Comparison](#)
[FMIT Premium Summary](#)
[FMIT Market Summary](#)
[Resolution for Property Insurance](#)

6.B. EXTENSION FOR THE 2019-2020 STATEWIDE SCHOOL READINESS PROVIDER CONTRACT WITH THE CHILDREN SERVICES COUNCIL (CSC) FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY CENTER WITH THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY, INC.

Recommendation: Motion to approve School Readiness extension for contract year 2019-2020 fiscal year due to the state of emergency caused by the COVID-19 pandemic which resulted in delays in the Coalition's and the City's ability to fulfill certain requirements to execute the 2020-2021 Statewide School Readiness Contract prior to June 30, 2020.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review School Readiness Extension of 2019 Agreement](#)
[SchoolReadiness contract Extension2019](#)

6.C. GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN & BICYCLE SAFETY

Recommendation: Motion to approve the application and award from the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form FDOT Bicycle High visibility grant lw](#)
[City of Delray Beach PD Approved Contract 18Aug2020 with signature blocks](#)

6.D. STATE AND LOCAL TASK FORCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)

Recommendation: Motion to approve a State and Local Task Force Agreement with Drug Enforcement Administration (DEA).

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[State and Local Task Force FY 20 lw 9 3 20](#)
[Legal Review Checklist LW 20 - DEA Task Force 2020](#)

6.E. CORONAVIRUS RELIEF FUNDS (CRF) SUBRECIPIENT AGREEMENT AMENDMENT 1 - FLORIDA HOUSING FINANCE CORPORATION (FHFC)

Recommendation: Motion to authorize and approve the First Amendment to CRF Subrecipient Agreement 113-2020 between the City of Delray Beach and Florida Housing Finance Corporation (FHFC) for a total amount of \$387,544 for rental and mortgage assistance payments or emergency repairs for income eligible persons who have experienced hardships related to the COVID-19 emergency.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist First Amendment to Agreement No. 113-2020](#)
[113-2020 - Amendment 1](#)
[CRF Executed Subrecipient Agreement](#)

6.F. APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA, INC. d/b/a CAFFE LUNA ROSA PROVIDING VALET PARKING SERVICES 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 #2 to the October 1, 2019 Valet Parking License Agreement with Caffe Luna Rosa, Inc. d/b/a Caffe Luna Rosa providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--Caffe Luna Rosa](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.G.** APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CUT 432, LLC, d/b/a CUT 432 PROVIDING VALET PARKING SERVICES 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 the October 1, 2019 Valet Parking License Agreement with Cut 432, LLC, d/b/a Cut 432 providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--CUT 432](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.H.** APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LLC, d/b/a ROCCO'S TACOS PROVIDING VALET PARKING SERVICES 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 #2 to the October 1, 2019 Valet Parking License Agreement with Delray Taco, LLC, d/b/a Rocco's Tacos providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--Delray Taco](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.I.** APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH OSTERIA NUMERO UNO, LTD d/b/a ELISABETTA'S PROVIDING VALET PARKING SERVICES 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 #2 to the October 1, 2019 Valet Parking License Agreement with Osteria Numero Uno, LTD d/b/a Elisabetta's providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--Elisabettas](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.J.** APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC PROVIDING VALET PARKING SERVICES 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 #2 to the October 1, 2019 Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--Taverna Opa](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.K.** APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH THE GROVE HOSPITALITY GROUP, LLC, PROVIDING VALET PARKING SERVICES 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 the October 1, 2019 Valet Parking License Agreement with The Grove Hospitality Group, LLC, providing valet parking services to extend the license from October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--the Grove](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.L.** DEDICATION OF A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR 223 NE 12th St. (ITEM A1) AND ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR 301 NE 8TH AVE (ITEM B1).

Recommendation: Consideration of the following items:

UTILITY EASEMENT DEDICATION(S)

Item A1 - Motion to approve the dedication of a Utility Easement to Florida Power and Light for 223 NE 12th St. from the City of Delray Beach.

RIGHT-OF-WAY DEED(S)

Item B1 - Motion to approve and accept a Right-of-Way Deed for 301 NE 8th Ave. to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Review\(s\)](#)
[Item \(A1a\) Underground Easement \(Business\) 223 NE 12th St.](#)
[Item \(A1b\) Exhibit A Sketch - 223 NE 12th St.](#)
[Item \(B1a\) ROW Deed 301 NE 8th Ave](#)
[Item \(B1b\) Exhibit A Sketch - 301 NE 8th Ave.](#)

- 6.M.** MOTION TO RATIFY CHANGE ORDER NO. 2 WITH HENRY SCHEIN, INC. FOR MEDICAL SUPPLIES IN THE AMOUNT NOT TO EXCEED \$35,000

Recommendation: **Recommended Action:**

Motion to Ratify Change Order No. 2 for additional medical supplies from approval with Henry Schein, Inc., in the not to exceed amount of \$35,000.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Henry Schein Outstanding Invoices 08-28-20](#)

- 6.N.** APPROVAL OF INCREASE IN THE AMOUNT OF \$100,000 PER CONTRACT TERM WITH AQUIFER MAINTENANCE AND PERFORMANCE SYSTEMS, INC., FOR WELLFIELD MAINTENANCE SERVICES FOR THE UTILITIES DEPARTMENT.

Recommendation: Motion to approve an increase of \$100,000 per contract term for a total estimated contract amount of \$1,875,000 with Aquifer Maintenance and Performance Systems, Inc. for wellfield maintenance services for the Utilities department.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2018-011 Wellfield Maintenance Agreement Executed \(1\) Res 24-18](#)
[AMPS Renewal](#)

6.O. PROCLAMATIONS:

6.O.1. None

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

6.P.1. None

6.Q. AWARD OF BIDS AND CONTRACTS:

6.Q.1. APPROVAL OF RESOLUTION NO. 39-20 TO RATIFY AN AGREEMENT WITH SAFETY PRODUCTS, INC. FOR THE PURCHASE OF SAFETY SUPPLIES AND EQUIPMENT PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO THE EMERGENCY PURCHASING AND PROCUREMENT PROCEDURES OUTLINED IN RESOLUTION 76-20 AS WELL AS CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Recommendation: Motion to approve Resolution No. 39-20 to ratify an agreement with Safety Products, Inc. for Safety Supplies and Equipment previously executed by the City Manager pursuant to the emergency purchasing and procurement procedures outlined in Resolution 76-20 as well as Chapter 95 of the Delray Beach Code of Ordinances in the estimated amount of \$200,000; and authorize the City Manager to approve renewal options in the amounts below, contingent upon appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach Agreement](#)
[Resolution CA Approved Piggyback 2020-013 Plantation Safety and First Aid S](#)
[Legal Review Checklist Safety Products piggyback safety first aide products](#)

6.Q.2. APPROVAL OF RESOLUTION NO. 65-20 TO RATIFY AN AGREEMENT WITH TANNER INDUSTRIES, INC. FOR ANHYDROUS AMMONIA PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO THE EMERGENCY PURCHASING AND PROCUREMENT PROCEDURES OUTLINED IN RESOLUTION 76-20 AS WELL AS CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Recommendation: Motion to approve Resolution No. 65-20 to ratify an agreement with Tanner Industries, Inc. for the purchase and delivery of anhydrous ammonia previously executed by the City Manager pursuant to the emergency purchasing and procurement procedures outlined in Resolution 76-20 as well as Chapter 95 of the Delray Beach Code of Ordinances in the estimated amount of \$58,000; and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Executed Tanner Industries Inc](#)
[Resolution CA Approved Piggyback 2020-013 Plantation Safety and First Aid S](#)
[Legal Review Checklist Tanner Agreement](#)

6.Q.3. APPROVAL OF RESOLUTION NO. 136-20 A CITY STANDARD TO AWARD AN AGREEMENT WITH MUNICIPAL CODE CORPORATION FOR CODIFICATION SERVICES \$39,000

Recommendation: Motion to approve Resolution No. 136-20 a City Standard to award an Agreement in the amount of \$39,000 with Municipal Code Corporation, for codification services for the City Clerk's Office for the Agreement term and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: City Clerk Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Municode](#)
[City Standard Approval - Municode it signed 8.17](#)
[136-20 Resolution Award of Agreement \(003\)](#)
[Municode executed Agreement](#)

6.Q.4. APPROVAL OF RESOLUTION NO. 153-20 TO AWARD AN AGREEMENT TO FLORIDA CDI, LLC TO PURCHASE SERVICES RELATED TO ASSEMBLY/DISASSEMBLY OF CHRISTMAS TREE AND NORTH POLE VILLAGES PURSUANT TO INVITATION TO BID (ITB) 2020-033, (PROJECT NUMBER 17-062) - \$927,500

Recommendation: Motion to Approve Resolution No. 153-20 to award an Agreement with Florida CDI, LLC for assembly/disassembly of Christmas Tree and North Pole Villages in an estimated amount of \$927,500 through September 21, 2025, of which \$185,500 is budgeted for FY 2020, pursuant to Invitation to Bid (ITB) 2020-033 (Project Number 17-062); and authorizing the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Florida CDI Resolution](#)
[2020-033 Assembly Disassembly of Christmas Tree Revised](#)
[Agreement for Christmas Assembly and Disassembly](#)
[Legal Review Checklist Assembly and Disassembly of Christmas Tree and Nort](#)

6.R. MINUTES:

6.R.1. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

July 14, 2020 Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[July 14, 2020 City Commission Workshop Meeting Minutes](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 161-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.13(D)(2)(a) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A FOUR-FEET EIGHT-INCH FRONT SETBACK ON THE EAST SIDE, A ONE-FOOT SIX-INCH FRONT SETBACK ON THE NORTH SIDE, AND A ONE-FOOT EIGHT-INCH REAR SETBACK ON THE WEST SIDE FOR THE EXISTING BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 162-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(E)(4)(e)(1)(d) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE STOREFRONT TRANSPARENT GLAZED WINDOWS OF THE EXISTING BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, TO EXTEND FROM THE BASE TO SEVEN FEET TWO INCHES ON THE EAST AND NORTH SIDES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL).

RESOLUTION NO. 163-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.13(E)(4)(e)(1)(b) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING STOREFRONT OPENINGS OF SEVENTY-FIVE PERCENT OF THE WIDTH OF THE FAÇADE ON THE EAST SIDE AND SIXTY-TWO PERCENT OF THE WIDTH OF THE FAÇADE ON THE NORTH SIDE OF THE BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution Nos. 161-20, 162-20, and 163-20, granting waivers related to setbacks and storefront requirements in LDR Section 4.4.13 for an existing building located at 98 NW 5th Avenue.

Setback Waiver Requests:

The setback waiver requests are from City of Delray Beach Land Development Regulations (LDR) Section 4.4.13(D)(2)(a) and Table 4.4.13(C), for properties zoned Central Business District within the West Atlantic Neighborhood Sub-district, which requires front and side street setbacks of a minimum of 10 feet and maximum of 15 feet, and a setback of 10 feet in the rear. The request are:

1. Reduce the front setback to a range of 4 feet 2 inches to 4 feet 8 inches on the east side of the property;
2. Reduce the side street setback to a range of 1 foot 6 inches to 9 feet on the north side of the property; and,
3. Reduce the rear setback to a range of 1 foot 8 inches to 3 feet 8 inches, on the west side of the property.

Storefront Glazing Heights Requirement Waiver:

The storefront glazing setback waiver requests are from LDR Section 4.4.13(E)(4)(e)1.d., which requires a minimum storefront glazing height of 8 feet for properties zoned CBD. The request is:

1. Reduce the required storefront glazing height to 7 feet 2 inches on the front (east) and side street (north) sides of the existing building.

Storefront Opening Percentage:

The storefront opening waiver requests are from LDR Section 4.4.13(E)(4)(e)1.b., which sets forth requirements for the minimum percentage of required façade storefront openings for properties zoned CBD. Storefront openings shall extend along at least 80 percent of the width of the façade of the commercial space. The request is :

1. Reduce the required storefront opening percentage to 75 percent on the east side of the existing building and 62 percent on the north side of the existing building.

Sponsors:

Development Services Department

Attachments:

[Agenda Cover Report](#)

[Res. 161-20 98 NW 5th Ave Setback Waiver](#)

[Res. 161-20-Exhibit A Setback Waiver](#)

[Res. 162-20-98 NW 5th Ave Glazing Waiver](#)

[Res. 162-20-Exhibit A Window Glazing Waiver](#)

[Res. 163-20- Storefront Percentage](#)

[Res. 163-20-Exhibit A Storefront Percentage Waiver](#)

[Waiver Justification- 98 NW 5th Ave-2020-09-22](#)

[Legal Review Reso 161-20 CRA Waiver Setback](#)

[Legal Review Reso 162-20 CRA Glazing Storefront Waiver](#)

[Legal Review Reso 163-20 CRA Storefront Openings Size Waiver](#)

[HPB Waiver Staff Report-98 NW 5th Ave](#)

[Photographs-98 NW 5th Ave](#)

[Plans-98 NW 5th Ave](#)

- 7.B.** RESOLUTION 172-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 7.10.5(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING ADDING THE CITY AS AN ADDITIONAL INSURED TO THE POLICY FOR THE PROPERTY LOCATED AT 1120 NASSAU STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 172-20 granting waivers to LDR Section 7.10.5(D) to waive the requirements for a Surety Bond or Letter of Credit for the relocation of an existing historic structure and accept listing the City as an additional insured to the policy for the property located at 1120 Nassau Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 172-20 1120 Nassau Street.docx](#)
[HPB Staff Report-1120 Nassau Street-2019-09-05](#)
[1. Applicant Waiver Request Letter](#)
[2. Applicant Justification](#)
[3. Bond Denial Letter](#)
[4. Luciano AI Letter](#)
[5. Luciano CCC Letter](#)
[6. Merrill Lynch Email](#)
[7. Brownie Contract](#)
[8. Brownie Insurance Policy](#)
[9. Brownie Structural AI Endorsement](#)
[10. Brownie Structural CCC Endorsement](#)

**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 21st, 22nd, 23rd, 24th, 25th and 26th Extensions of the State of Emergency for COVID -19 and Resolution Number 122-20, Resolution Number 129-20; Resolution Number 144-20; Resolution Number 151-20; Resolution Number 154-20, Resolution Number 158-20 and Resolution Number 159-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[21st Extension Emergency Declaration - COVID -19](#)
[22nd Extension Emergency Declaration - COVID -19](#)
[23rd Extension Emergency Declaration - COVID-19](#)
[24th Extension Emergency Declaration - COVID -19](#)
[25th Extension Emergency Declaration - COVID -19](#)
[26th Extension Emergency Declaration - COVID -19](#)
[Reso. No. 122-20 COVID -19](#)
[Reso. No. 129-20 - COVID 19 \(Extending Directives on Wearing of Facial Cover](#)
[Reso. No. 144-20 - COVID repealing 130-20 Proving Restrictions on operating l](#)
[Reso. No. 151-20 - COVID 19 Amending Reso 75-20 to provide for re-opening c](#)
[Reso. No. 154-20](#)
[Reso. No. 158-20](#)
[Reso. No. 159-20-COVID 19 - Phase 2 Re-opening](#)

7.D. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Site Plan Review and Appearance 9-22-20](#)
[09-22-2020 Exhibit A](#)
[2020 QUARTERLY ATTENDANCE-1st 2nd qtr](#)
[Cabana](#)
[Cherelus](#)
[Clark](#)
[Jones](#)
[Padover](#)
[Warner](#)
[Youngblood](#)

7.E. NOMINATION FOR THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for a three (3) year term ending June 30, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Downtown Development Authority Member List 2020 2](#)
[2019-2020 Year DDA Board Attendance Record](#)
[Exhibit A 09-22-20](#)
[Boundary Map](#)
[Adamo](#)
[Catania](#)
[Clark](#)
[Devitt](#)
[Evans](#)
[Frione](#)
[McGinnis](#)
[Padover](#)
[Pellegrino](#)
[Sefer](#)
[Smith](#)
[Sylvestre](#)
[Warner](#)
[Zirilli](#)

7.F. DISCUSSION OF NEW REGULATION TO APPOINT AN ELECTED OFFICIAL TO SERVE ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE.

Recommendation: Motion to appoint an elected official to serve on the Affordable Housing Advisory Committee (AHAC)

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Res 05-12](#)
[Resolution 12-08](#)

7.G. APPROVAL OF 2021 THROUGH 2025 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: Motion to approve Capital Improvement Program (CIP) Budget for 2021 through 2025.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[FY 2021-2025 CIP FINAL](#)

7.H. CONSIDERATION OF AMENDMENT NO. 1 TO THE PARKING FACILITY AND EASEMENT AGREEMENT AND PROJECT COVENANT FOR THE 4TH AND 5TH DELRAY (IPIC), SPECIFICALLY REMOVAL OF THE REQUIRED CORPORATE HEADQUARTERS RELOCATION AND PUBLIC TERRACE AREA.

Recommendation: Motion to approve Amendment No. 1 to the Parking Facility Easement and Agreement and Project Covenant subject to approval by the Community Redevelopment Agency ("CRA").

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Parking Facility Easement Agreement and Project Covenant - March 3 2017](#)

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 155-20: FINAL MILLAGE LEVY**

Recommendation: Motion to approve Resolution No. 155-20 Final Millage Levy for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 155-20 FINAL MILLAGE LEVY FY 2021](#)

8.B. RESOLUTION NO. 156-20: FINAL MILLAGE LEVY/DDA

Recommendation: Motion to approve Resolution No. 156-20 Final DDA Millage Rate for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 156-20 FINAL MILLAGE DDA](#)

8.C. RESOLUTION NO. 157-20: FINAL BUDGET ADOPTION FOR FY 2021

Recommendation: Motion to approve Resolution No. 157-20 Final Budget Adoption for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2021 Final Hearing - Exhibit A Budget Summary v2](#)
[Resolution 157-20 Final Budget Adoption - REVISED 9.17.20](#)

8.D. 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 (SECOND 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](#)

8.E. ORDINANCE NO. 19-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider at second reading Ordinance No. 19-20, a City-initiated Land Use Map (LUM) amendment from Transitional (TRN) land use to General Commercial (GC) land use.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 19-20-O'Reilly Land Use Map Amendment](#)
[O'Reilly Auto Parts-PZB Staff Report](#)
[O'Reilly Auto Parts-Land Use Maps](#)
[Legal Review Ord 19-20 Amending FLUM for O Reilly Auto Parts.docx](#)

- 8.F.** ORDINANCE NO. 20-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED SPECIAL ACTIVITIES DISTRICT (SAD) TO GENERAL COMMERCIAL (GC), FOR A PARCEL OF LAND AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF SOUTH MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING/PUBLIC HEARING).

Recommendation: Review and consider at second reading Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (SAD) to General Commercial (GC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord No. 20-20 O'Reilly Auto Parts Rezoning](#)
[O'Reilly Auto Parts-PZB Staff Report](#)
[O'Reilly Auto Parts-Zoning Maps](#)
[Legal Review Ord 20-20 Rezoning O Reilly Auto Parts.docx](#)

- 8.G.** ORDINANCE NO. 10-20: 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 SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS", SUBSECTION (H), "SETBACKS", SUBSECTION (3) "ZERO LOT LINE DEVELOPMENT"; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; AND AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(D)(1) "DESIGN STANDARDS", TO ESTABLISH REGULATIONS FOR UNDERGROUND PARKING AND STORAGE; 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. 10-20, a City-initiated amendment to Section 4.3.4 "Base District Development Standards", Subsection 4.3.4(H) (4) "Setbacks", Section 4.4.13 "Central Business District", Subsection 4.4.13(D) "Configuration of buildings", and Section 4.6.9 "Off-street parking regulations", Subsection 4.6.9(D)(1) "Design standards," of the Land Development Regulations to allow underground parking within the required setbacks.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 10-20: Underground Parking](#)
[Ord No.10-20, Underground Parking PZB Staff Report](#)
[Legal Review: Ord 10-20](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 50-20: 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 SECTION 7.1.8 "CONSTRUCTION PARKING", TO ESTABLISH REGULATIONS THAT MITIGATE STREET CLOSURES DURING CONSTRUCTION; 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. 50-20, a City-initiated amendment to Section 7.1.8 "Construction parking" of the Land Development Regulations to modify existing language governing construction parking and provide new regulations for construction staging.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance 50-20: Construction Parking and Staging](#)
[Ordinance 50-20: PZB Staff Report](#)
[Ordinance 50-20 Legal Review](#)

- 9.B.** ORDINANCE NO. 12-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; 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. 12-20, a City-initiated amendment to the Land Development Regulations, Section 4.4.13 "Central Business District," subsection 4.4.13(C)(3)(b), to provide exception to the retail requirement within the Central Core and Beach Sub-districts for properties that have 80 percent or more of frontage at a setback of 25 feet or greater.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. 12-20 - Required Retail Frontage](#)
[Ord. No. 12-20 - PZB Staff Report](#)
[Ord. No. 12-20 - Map of Area Impacted by the Amendment](#)
[Legal Review - Ord. 12-20 Required Retail Frontage](#)

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

B. City Attorney

C. City Commission