

# **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, December 1, 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 the Home Rule powers of the City (s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes), Chapter 252, Florida Statutes (Emergency Management), any and all other applicable statutes, the City Charter and Chapter 95 of the City's Code of Ordinances, the City Commission of the City of Delray Beach shall conduct business at and through virtual meetings utilizing Communications Media Technology (CMT) in accordance with the rules of procedures promulgated by the City, during the COVID-19 public health emergency declared pursuant to Resolution 70-20, as extended. 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.

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

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

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

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

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

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

**General Rules:**

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

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

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

4.A. None

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

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

B. From the Public

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

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

July 21, 2020 Regular City Commission Meeting  
August 18, 2020 Regular City Commission Meeting  
August 24, 2020 Special Meeting  
August 24, 2020 Special City Commission Meeting  
August 24, 2020 Workshop Meeting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[July 21 Regular Meeting Minutes Revised Draft format](#)  
[August 18 2020 -DRAFT](#)  
[August 24 2020 1st Special Meeting - DRAFT Revisions](#)  
[August 24 2020 2nd Special Meeting - DRAFT revisions](#)  
[August 24 2020 Workshop Meeting - Draft](#)

**6.B. AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.**

**Recommendation:** Recommend approval of the attached agreement.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2021 Municipal Election Agreement \(004\)](#)  
[Simple Legal Review Approval \(003\)](#)

**6.C. INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2021 DELRAY BEACH OPEN**

**Recommendation:** Motion to approve the Interlocal Agreement for the Co-Title Sponsorship of the 2021 Delray Beach Open with the Delray Beach Community Redevelopment Agency (CRA) for a term which will commence upon execution of the contract and terminate on September 30, 2021 in the amount of \$905,000.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A - ILA 2021 Delray Beach Open](#)  
[Legal Review Checklist form v. 6 ILA with CRA for Tennis Tournament](#)  
[ILA Tennis Sponsorship 2020-2021](#)

**6.D. APPROVAL TO ACCEPT EMERGENCY CHILD CARE RELIEF GRANT FUNDS IN THE AMOUNT OF \$19,950 FROM THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY TO BE USED AT OUR TWO (2) OUT OF SCHOOL PROGRAM LOCATIONS**

**Recommendation:** Motion to approve acceptance of grant funds through the Child Care and Development Block Grant (CCDBG) to provide Emergency Child Care relief funds in the amount of \$19,950 from the Early Learning Coalition (ELC) of Palm Beach County.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[RE Emergency funding](#)  
[LegalReview\\_ELC\\_GrantFunds](#)

**6.E. PROCLAMATIONS:**

**6.E.1. WORLD AIDS DAY PROCLAMATION - DECEMBER 1, 2020**

**Recommendation:** Motion to declare December 1, 2020 as World Aids Day.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[World AIDS Day](#)

**6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:****6.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 12, THROUGH OCTOBER 30, 2020.**

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - Opal Grand Appealable Report](#)  
[B - Delray Chevrolet Appealable Report](#)  
[C - Delray Park Plaza Appealable Report](#)  
[D - Collier Car Club Appealable Report](#)  
[E - 110 Building Appealable Report](#)  
[F - Pour & Famous Appealable Report](#)

**6.G. AWARD OF BIDS AND CONTRACTS:****6.G.1. APPROVAL OF RESOLUTION NO. 107-20 TO AWARD AN AGREEMENT TO CDW GOVERNMENT LLC FOR PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS; UTILIZING CITY OF MESA, ARIZONA SOLICITATION NO. 2018011 - \$1,900,000**

**Recommendation:** Motion to approve Resolution No. 107-20 to award an Agreement to CDW Government LLC for the purchase of technology products, services and solutions in the estimated amount of \$1,600,000 for the Police Department and \$300,000 for the Information Technology Department through February 28, 2023, utilizing the City of Mesa, Arizona Solicitation No. 2018011, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** IT Department, Police Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist CDW Government LLC](#)  
[Resolution 107-20 CDWG - City of Mesa Omnia](#)  
[Agreement - CDWG - OMNIA COOPERATIVE](#)

**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO: 191-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(7) OF THE LAND DEVELOPMENT REGULATIONS TO INSTALL A SIGN ON A WALL NOT FACING A DEDICATED STREET FRONTAGE AS REQUIRED; APPROVING SAID INSTALLATION ON THE SOUTH ELEVATION OF THE PROPERTY LOCATED AT 16000 S. MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 191-20; granting a waiver to Section 4.6.7(E)(7) of the Land Development Regulations approving installation of a wall sign which is not facing a dedicated street frontage on the south elevation of the property at 16000 S. Military Trail.

**Sponsors:** Development Services Department

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

[Res. No. 191-20](#)

[Res. 191-20 Exhibit A](#)

[Justification letter](#)

[Simple Legal Review Approval Resolution 191-20](#)

- 7.B.** RESOLUTION NO. 179-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.6(H)(6) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "FREDERICK ISLES" AT 2621 FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 179-20, granting a conditional use to provide a density bonus in exchange for workforce housing, increasing density from 12 dwelling units per acre to 16 dwelling units per acre, for the project know as "Frederick Isles" located at 2621 Frederick Boulevard.

**Sponsors:** Development Services Department

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

[Frederick Isles - Resolution 179-20](#)

[Frederick Isles - Planning and Zoning Board Staff Report](#)

[Frederick Isles - Applicant Justification Letter](#)

[Frederick Isles - Location Map](#)

[Frederick Isles - Map DIA-7](#)

[Frederick Isles - SCAD Letter](#)

[Legal Review Resol 179-20 .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 35th and 36th Extensions of the State of Emergency for COVID -19.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[35th Extension Emergency Declaration - COVID 19](#)  
[36th Extension Emergency Declaration - COVID 19](#)

**7.D. AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR 2021  
THROUGH 2025**

**Recommendation:** Motion to Approve Amendment to the Capital Improvement Program budget for Fiscal Year (FY) 2021 through 2025 adopted September 22, 2020.

**Sponsors:** Finance Department

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

**8. PUBLIC HEARINGS:**

- 8.A.** 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. (PUBLIC HEARING/SECOND 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](#)

- 8.B.** ORDINANCE NO. 56-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," SECTION 120.01, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," TO UPDATE THE DEFINITIONS, MODIFY THE REQUIREMENTS TO OPERATE MOBILE FOOD TRUCKS WITHIN THE CITY, MODIFY THE LIMITATIONS AND PROHIBITIONS FOR THE OPERATION OF FOOD TRUCKS WITHIN THE CITY, AND ELIMINATE AND REPLACE CIVIL CITATIONS WITH GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Recommendation:** Review and consider a City-initiated request for amend Chapter 120 of the Code of Ordinances - "Operation and sale of Food from Mobile Food Trucks" to bring the adopted regulations into compliance with State of Florida regulatory changes.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 56-20: Mobile Food Trucks](#)  
[Ordinance No. 56-20: Legal Review](#)



- 8.C.** ORDINANCE NO. 58-20: 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 ADOPTING FINDINGS BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", TO ADD A NEW SUBSECTION (CC), "CBD OIL ESTABLISHMENTS", TO PROVIDE A PURPOSE AND INTENT AND SPECIFIC REGULATIONS REGARDING THE HOURS OF OPERATION, PROHIBITIONS BY FREQUENCY AND PROXIMITY TO CERTAIN USES AND ZONING DISTRICTS, AND ACCESSORY USE REGULATIONS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," (3), "REQUIRED RETAIL FRONTAGE USE LIMITATIONS," TABLE 4.4.13(A) - "ALLOWABLE USES IN THE CBD SUB-DISTRICTS", AMENDING SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED" TO ADD CBD OIL ESTABLISHMENTS TO THE LIST OF PRINCIPAL USES AND STRUCTURES PERMITTED AND PROVIDE ADDITIONAL LOCATION RESTRICTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Recommendation:** Review and consider Ordinance No. 58-20, amending the Land Development Regulations to add CBD Oil Establishments as a use with location and frequency restrictions.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord No 58-20 CBD Oil Establishments](#)  
[Ord No 58-20 CBD Oil PZB Staff Report](#)  
[CBD Oil Allowed Areas\\_300ft.pdf](#)  
[CBD Oil Allowed Areas Zoning\\_300ft.pdf](#)  
[Simple Legal Review Approval CBD Ordinance](#)  
[DDA Memo 11.16.20 - CBD Oil Establishments.pdf](#)

## 9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 53-20: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," BY AMENDING SUBSECTION (E), "SIGN DESIGN STANDARDS," AND SUBSECTION (J), "PROHIBITED SIGNS," TO ESTABLISH REGULATIONS ALLOWING CERTAIN SIGN DESIGNS TO EXTEND INTO THE RIGHT-OF-WAY WITHIN THE CENTRAL BUSINESS DISTRICT AND OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT AND RESTRUCTURE EXISTING SUBSECTIONS TO ELIMINATE INCONSISTENT REQUIREMENTS; 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. 53-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.7 "Signs," Section 4.6.7(E) "Sign Design Standards," Section 4.6.7(J) "Prohibited Signs" to establish regulations allowing certain signs designs to extend into the right-of-way in certain zoning districts.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 53-20 Signs Update](#)  
[Ord 53-20 Signs Update- HPB Staff Report](#)  
[Ord 53-20 Signs Update- PZB Staff Report](#)  
[CBD and OSSHAD with CBD Map](#)  
[Ord 53-20 Signs - Legal Review](#)  
[DDA Memo 11.16.20 - Signs Ordinance No. 53-20](#)

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**