

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, January 19, 2021

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. PRESENTING MOLLY DALY, ASSISTANT SUSTAINABILITY PLANNER, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2020.**

Recommendation: Motion to present Molly Daly, Assistant Sustainability Planner, with Employee of the Month for August 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Molly Daly Nomination Form.pdf](#)

4.B. PRESENTING BRIAN RUSCHER, TRANSPORTATION PLANNER, WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2020.

Recommendation: Motion to present Brian Ruscher, Transportation Planner, with Employee of the Month for September 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Brain Ruscher Nomination Form.pdf](#)

4.C. PRESENTING JOHN WAGNER, FIREFIGHTER/PARAMEDIC, WITH EMPLOYEE OF THE MONTH FOR OCTOBER 2020.

Recommendation: Motion to present John Wagner, Firefighter/Paramedic, with Employee of the Month for October 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[John Wagner Nomination Form.pdf](#)

4.D. PRESENTING PAULA WOLFE, SENIOR CLAIMS SPECIALIST, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2020.

Recommendation: Motion to present Paula Wolfe, Senior Claims Specialist, with Employee of the Month for November 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Paula Wolfe Nomination Form.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. CITY COMMISSION MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

October 13, 2020 Workshop Meeting
October 20, 2020 Regular City Commission Meeting
November 10, 2020 Regular City Commission Meeting
November 17, 2020 Regular City Commission Meeting
November 20, 2020 Special City Commission Meeting
December 1, 2020 Regular City Commission Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[October 13, 2020 Workshop Meeting Minutes _ DRAFT](#)
[October 20 2020 Regular Commission Meeting - DRAFT](#)
[November 10 2020 - Regular Commssion Meeting Minutes -DRAFT](#)
[November 17 2020 Regular Meeting Minutes - DRAFT](#)
[November 20 2020 Special Commission Meeting - DRAFT](#)
[December 1 2020 Regular Commission Meeting Minutes - DRAFT](#)

- 6.B.** RESOLUTION NO. 08-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 09, 2021; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, MARCH 23, 2021; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF TWO CITY COMMISSIONERS AND A MAYOR; APPOINTING THE CITY CLERK, THE DEPUTY CITY CLERK, AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR DESIGNEE, AS ADDITIONAL MEMBERS OF THE CITY OF DELRAY BEACH CANVASSING BOARD TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION, ALONG WITH THE CITY'S CANVASSING BOARD; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER, AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 08-21.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[RESOLUTION NO 08-21 - Notice of Election Canvassing Board rev lg rev](#)
[Simple Legal Review Approval 08-21](#)

- 6.C.** APPROVE RESOLUTION NO. 22-21 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$3,211,945 FOR MANAGEMENT OF THE CITY OF DELRAY BEACH'S (CITY) SHORE PROTECTION PROJECT (PROJECT NO.17-081)

Recommendation: Motion to approve Resolution No. 22-21 authorizing a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for assistance with funding the City's Shore Protection Project (Project No. 17-018) in amount of \$3,211,945.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution 22-21 1-19-21](#)
[Legal Review DEP State Grant Agreement Res 22-21](#)
[21PB2 Delray Beach Shore Protection Project](#)

- 6.D.** WORKFORCE HOUSING COVENANT BETWEEN THE CITY OF DELRAY BEACH AND ETHAN JOSEPH HOMES, LLC

Recommendation: Motion to approve the Workforce Housing Covenant between the City of Delray Beach and Ethan Joseph Homes, LLC

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Delray Ethan Homes Workforce Covenant](#)

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM DECEMBER 14, THROUGH DECEMBER 28, 2020.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 105 NE 6th Street](#)
[B - 53 SE 7th Ave](#)
[C - 142 S. Ocean Blvd](#)

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 33-21 TO RATIFY AGREEMENTS WITH RED WING SHOE STORE AND SAFETY SHOES DISTRIBUTORS, LLP FOR THE SUPPLY AND DELIVERY OF SAFETY FOOTWEAR 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. 33-21 to ratify agreements with Red Wing Shoe Store and Safety Shoes Distributors, LLP for the supply and delivery of safety footwear 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 \$52,500; and authorize the City Manager to approve renewal options, in the amounts below, contingent on the appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Safety Footwear Red Wing Shoes Store](#)
[Legal Review Checklist Safety Footwear Safety Shoe Distributors LLP](#)
[Red Wing Shoes Executed Agreement](#)
[Safety Shoe Distributors LLP Executed Agreement](#)
[Red Wing Shoe Ratification Resolution](#)
[Emergency Contracts pursuant to Reso No. 76-20](#)

7. REGULAR AGENDA:

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

Recommendation: Motion to Ratify the 42nd and 43rd Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[42nd Extension Emergency Declaration - COVID 19](#)
[43rd Extension State of Emergency - COVID-19](#)

**7.B. DISCUSSION AND DIRECTION REGARDING THE HANDLING OF REQUEST
RECEIVED FOR EXCUSAL OF PAYMENTS BASED ON INVOCATION OF FORCE
MAJEURE CONTRACTUAL PROVISIONS**

Recommendation: Staff seeks direction regarding the handling of requests received 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](#)
[Delray Intracoastal payment schedule](#)
[RFP 2018-031 FULL](#)
[Delray IntraCoastal Cruises Executed Agreement 2018-031](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 01-21: 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 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE LINTON COMMONS OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.12, PLANNED COMMERCIAL (PC) DISTRICT;" TO PROVIDE REGULATIONS FOR THE LINTON COMMONS OVERLAY; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," ESTABLISHING SECTION 4.5.21, "LINTON COMMONS OVERLAY DISTRICT;" AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAMS," TO ESTABLISH WORKFORCE HOUSING CRITERIA FOR THE LINTON COMMONS OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 01-21, a privately-initiated request to amend Section 4.3.4, Base Development Standards; Section 4.4.12, Planned Commercial (PC) District; Article 4.5, Overlay and Environmental Management Districts; and Article 4.7, Family / Workforce Housing, of the Land Development Regulations (LDR), to establish the Linton Commons Overlay District and provide supporting regulations related to workforce housing requirements and height allowances within the overlay.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 01-21, Linton Commons Overlay LDR](#)
[Ordinance No. 01-21 PZB Staff Report](#)
[Linton Commons Applicant Narrative](#)
[Simple Legal Review Approval Ord 01-21](#)

8.A.1. RESOLUTION NO. 28-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.12(D)(1) AND 4.4.9(D)(10) OF THE LAND DEVELOPMENT REGULATIONS; TO ALLOW A FREE-STANDING MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 29-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.12(G)(7) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 30-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.3.4(J)(4)(b) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A MAXIMUM BUILDING HEIGHT OF 60 FEET FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSE. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 28-21, granting a conditional use to allow a free-standing multiple family residential development, pursuant to LDR Sections 4.4.12(D)(1) and 4.4.9(D)(10), for the project know as "The Linton" located at 510 West Linton Boulevard.

Review and consider Resolution No. 29-21, granting a conditional use to allow a density bonus in exchange for workforce housing, pursuant to LDR Sections 4.4.12(G)(7), for the project know as "The Linton" located at 510 West Linton Boulevard.

Review and consider Resolution No. 30-21, granting a conditional use to allow a maximum building height of 60 feet, pursuant to LDR Sections 4.3.4(J)(4)(b), for the project know as "The Linton" located at 510 West Linton Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
 [Resolution 28-21 \(Use\)](#)
 [Resolution 29-21 \(Density\)](#)
 [Resolution 30-21 \(Height\)](#)
 [PZB Staff Report](#)
 [Location Map](#)
 [Site Plan](#)
 [Applicant Justification \(Use\)](#)
 [Applicant Justification \(Density\)](#)
 [Applicant Justification \(Height\)](#)
 [SCAD Letter](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission