

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, February 2, 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 DITMAR INGRAM, DIGITAL/SOCIAL MEDIA COORDINATOR, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2020.**

**Recommendation:** Motion to present Ditmar Ingram, Digital/Social Media Coordinator with Employee of the Month for December 2020.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Ditmar Ingram Nomination Form](#)

**4.B. PRESENTATION BY MS. ERICA WHITFIELD, PALM BEACH COUNTY SCHOOL BOARD MEMBER, TO DISCUSS THE STATE OF EDUCATION IN THE FOURTH DISTRICT.**

**Recommendation:** Presentation only.

**Sponsors:** City Clerk Department

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

**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 12, 2016, Regular Meeting Minutes  
October 4, 2016, Regular Meeting Minutes  
December 8, 2020, Regular Meeting Minutes  
January 5, 2021, Regular Meeting Minutes  
January 12, 2021 Workshop Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[July 12, 2016, Regular Meeting Minutes - DRAFT](#)  
[October 4, 2016, Regular Meeting Minutes - DRAFT](#)  
[December 8, 2020 Regular Commission Meeting Minutes - Draft](#)  
[January 5, 2021 Regular Meeting Minutes - DRAFT](#)  
[January 12, 2021 Workshop Meeting Minutes - DRAFT](#)

**6.B. APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH INCIDENT RESPONSE TECHNOLOGIES, INC. FOR RHODIUM INCIDENT MANAGEMENT SYSTEM SERVICES, UTILIZING NORTH TEXAS SHARE PROGRAM CONTRACT #NCT 2017-36 - \$23,124**

**Recommendation:** Motion to approve Amendment No. 1 to the Agreement with Incident Response Technologies, Inc. for Rhodium incident management system services utilizing North Texas SHARE Program contract #NCT 2017-36 and authorize the City Manager to approve renewal options, in the amounts below, contingent on the appropriation of funds.

**Sponsors:** Police Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist IRT Rhodium Amend 1 lw](#)  
[Incident Response Agreement](#)  
[Delray Beach PD \(3yr\) 186 Motorola Radio GPS interface with North Texas Agr](#)

- 6.C.** ITEM(S) A1, A2 AND A3- ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 218 NW 9th St.; ACCEPTANCE OF TWO RIGHT-OF-WAY DEDICATIONS FOR 200 NE 7TH AVE.

**Recommendation:** Consideration of the following items:

**RIGHT-OF-WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 218 NW 9th St. to the City of Delray Beach.

**Item A2** - Motion to approve and accept a Right-of-Way dedication by the owners of 200 NE 7th Ave. to the City of Delray Beach.

**Item A3** - Motion to approve and accept a Right-of-Way dedication by the owners of 200 NE 7th Ave. to the City of Delray Beach

**RIGHT OF WAY DEDICATION(S)**

**Item A1**

Consider acceptance of a Right-of-Way Dedication located at 218 NW 9th St.

The owner(s), Christopher J. Brown, submitted building permit #20-191250 on 8/10/20 for the subject property. The property is at the intersection of NW 9th Street and NW 3rd Avenue. In accordance with LDR 6.1.2 (C)(2) (e), there must be a 25' radius at the intersection of two road right-of-ways. There is currently only a 20' radius. As a result, a 25' radius Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A2**

Consider acceptance of a Right-of-Way Dedication located at 200 NE 7th Ave.

The owner(s), JD Realty Holdings, LLC, submitted building permits #18-179506, 18-179508 and 18-179510 for the subject property. The adjacent roadway has an ultimate right-of-way width of 50 feet. In accordance with LDR 5.3.1 (D), 5' would be required from this property. As a result, a 5' Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A3**

Consider acceptance of a Right-of-Way Dedication located at 200 NE 7th Ave.

The owner(s), JD Realty Holdings, LLC, submitted building permits #18-179506, 18-179508 and 18-179510 for the subject property. The adjacent alleyway has an ultimate right-of-way width of 20 feet. In accordance with LDR 5.3.1 (D), 2' would be required from this property. As a result, a 2' Right-of-Way dedication was requested to satisfy the requirement.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

The timing of these requests is of high importance in order to process the project Certificates of Occupancy when completed.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Item \(1\) Legal Review ROW Deed for 218 NW 9th St](#)  
[Item \(1a\) ROW - 218 NW 9th St](#)  
[Item \(1b\) Exhibit A -Sketch - 218 NW 9th St.](#)  
[Item \(A2\) ROW - 200 NE 7th Ave.](#)  
[Item \(A3\) ROW - 200 NE 7th Ave.](#)

**6.D. APPROVE AMENDMENT 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2019/20**

**Recommendation:** Approve Amendment 1 to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2019/20 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2019/20. This amendment adjusts the ILA to reflect actual funding requirements for projects that were initiated or completed during FY19/20.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[CRA ILA year end 2020](#)  
[Legal Review Checklist Amd #1 to ILA with CRA for Construction Professional Se](#)

**6.E. PROCLAMATIONS:**

**6.E.1. OBSERVANCE OF PRESIDENTS' DAY - FEBRUARY 15, 2021**

**Recommendation:** Motion to proclaim February 15, 2021 as President's Day in the City of Delray Beach.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[President's Day Proclamation - 2021](#)

**6.E.2. 211 AWARENESS WEEK - FEBRUARY 17 - 21, 2021**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2-1-1AwarenessWeek 2021-DelrayBeach](#)

**6.E.3. BLACK HISTORY MONTH PROCLAMATION**

**Recommendation:** Motion to approve the proclamation declaring February as Black History Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Black History Month Proclamation 2019](#)

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

6.F.1. None

**6.G. AWARD OF BIDS AND CONTRACTS:**

**6.G.1. APPROVAL OF RESOLUTION NO. 23-21 TO AWARD AGREEMENTS WITH ABSOLUTE CIVIL ENGINEERING SOLUTIONS, LLC, C.A.P. GOVERNMENT, INC., GFA INTERNATIONAL, M.T. CAUSLEY, LLC FOR INSPECTION PLAN REVIEW AND DEVELOPMENT REVIEW SERVICES FOR THE DEVELOPMENT SERVICES DEPARTMENT (ITB 2020-029) - \$250,000**

**Recommendation:** Motion to approve Resolution No. 23-21 to award Agreements with Absolute Civil Engineering Solutions, LLC., C.A.P. Government, Inc., GFA International and M.T. Causley LLC for Inspection Plan Review and Development Services for the Development Services Department (ITB 2020-029) - \$250,000 for the Agreement term and authorize the City Manager to exercise any and all renewal options in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Development Services Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Absolute Civil Engineering](#)  
[Legal Review Checklist CAP Government Inc.](#)  
[Legal Review Checklist GFA International](#)  
[Legal Review Checklist M.T. Causley](#)  
[Resolution No. 23-21 Inspection Plan Review and Development Review Service ITB 2020-029 Inspection Plan Review and Development Review Services - Abs](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - C.A.](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - GFA](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - M.T](#)

**6.G.2. APPROVAL OF RESOLUTION NO. 27-21 TO APPROVE AN AGREEMENT WITH THE TRANSIT GROUP, INC. D/B/A ECOLOGICAL ASSOCIATES, INC. FOR MARINE TURTLE CONSERVATION PROGRAM SERVICES PURSUANT TO RFP NO. 2021-003 IN THE TOTAL ESTIMATED FIVE-YEAR AMOUNT OF \$479,635**

**Recommendation:** Motion to Approve Resolution No. 27-21 to award an Agreement with The Transit Group, Inc. d/b/a Ecological Associates, Inc. (ECI) for Marine Turtle Conservation Program Services pursuant to RFP No. 2021-003, in the initial one-year amount of \$95,927 budgeted in Fiscal Year 2021, and the total estimated five-year amount of \$479,635.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Agreement RFP 2021-003\\_EAI Signed](#)  
[Exhibit A - 2021 Delray Beach Sea Turtle Monitoring Cost Proposal\\_EAI](#)  
[Exhibit B - EAI Fee Schedule 2020](#)  
[Resolution No. 27-21 Marine Turtle - EAI](#)  
[Legal Review Checklist Marine Turtle \(1\)](#)  
[2021-003\\_Sea\\_Turtle\\_Services\\_EAI\\_Response\\_11.20.2020](#)



**6.G.3. APPROVAL OF RESOLUTION NO. 31-21 TO APPROVE AN AGREEMENT WITH CONSTRUCT CO, INC. FOR ATLANTIC DUNES PARK SEAWALL REPLACEMENT PURSUANT TO ITBC NO. 2021-004 (PROJECT NO. 17-096) - \$747,843**

**Recommendation:** Motion to Approve Resolution No. 31-21 to award an Agreement with Construct Co, Inc. for Atlantic Dunes Park Seawall Replacement pursuant to ITBC No. 2021-004 (Project No. 17-096) - \$747,843

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 31-21](#)  
[Legal Review Checklist Atlantic Dunes Seawall Construction Co](#)  
[RFA - ITBC 2021-004 Atlantic Dunes Park Seawall Replacement](#)  
[Atlantic Dunes Seawall Agreement SIGNED](#)  
[Construct Co Submittal](#)  
[bid\\_ITBC\\_NO.\\_2021-004\\_-\\_ATLANTIC\\_DUNES\\_PARK\\_SEAWALL\\_REPLACE](#)

**7. REGULAR AGENDA:**

**7.A.** RESOLUTION NO. 37-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(f) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANTER WALL FIVE-FEET SIX-INCHES IN HEIGHT TO BE ERECTED IN REQUIRED SETBACKS FOR THE PROPERTY LOCATED AT 1114 VISTA DEL MAR DRIVE NORTH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 38-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(I) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING STEPS AND A PLATFORM FOR THE PRINCIPAL BUILDING FIVE-FEET SIX-INCHES IN HEIGHT TO BE ERECTED IN REQUIRED SETBACKS FOR THE EXISTING BUILDING LOCATED AT 1114 VISTA DEL MAR DRIVE NORTH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 37-21 for a waiver to the Land Development Regulations (LDR) Section 4.3.4(H)(4)(f) to allow for the construction of a planter wall five-feet six-inches in height to be erected in the required setbacks for the property located at 1114 North Vista Del Mar Drive.

Review and consider Resolution No. 38-21 for a waiver to the Land Development Regulations (LDR) Section 4.3.4(H)(4)(I) to allow for the construction of steps and a platform for the principal building five-feet six-inches in height to be erected in the required setbacks for the property located at 1114 North Vista Del Mar Drive.

**Sponsors:** Development Services Department

**Attachments:**

[Agenda Cover Report](#)

[Resolution 37-21 - Planter Wall](#)

[Resolution 38-21 - Steps and Platform](#)

[Applicant Justification - Planter Wall](#)

[Applicant Justification - Steps and Platform](#)

[1114 Vista Del Mar Dr Waiver Plan](#)

[Legal Review Reso 37-21 Waiver for Planter Wall for 1114 Vista Del Mar North](#)

[Legal Review Reso 38-21 Waiver for Steps and Platform for 1114 Vista Del Mar](#)

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

**Recommendation:** Motion to Ratify the 44th and 45th Extensions of the State of Emergency for COVID -19 and Resolution No. 41-21.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[44th extension of State of Emergency - COVID -19](#)  
[45th Extension State of Emergency - COVID](#)  
[Res. 41-21 - COVID Adopting PBC 2021-001 - Extending Facial Coverings Dire](#)

**8. PUBLIC HEARINGS:**

8.A. None

**9. FIRST READINGS:**

**9.A.** ORDINANCE NO. 02-21: 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 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," TO ADD SUBSECTION 4.3.3(RR), "ROOFTOP USE," TO PROVIDE REGULATIONS FOR ROOFTOP USES; AMENDING SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO UPDATE HEIGHT EXCEPTIONS; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.18, "ARCHITECTURAL ELEVATIONS AND AESTHETICS," SUBSECTION 4.6.18(B), "BUILDING AND STRUCTURE REQUIREMENTS," TO PROVIDE REGULATIONS FOR THE SCREENING OF FLAT ROOFS AND APPURTENANCES; AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF ARCHITECTURAL FEATURES AND PARAPET AND TO ADD A DEFINITION FOR FREE-STANDING FEATURES, HABITABLE STRUCTURE, ROOFTOP APPURTENANCES AND ROOFTOP TERRACE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 02-21 (formerly Ordinance No. 54-20) on First Reading, a City-initiated Land Development Regulations (LDR) amendment to update Section 4.3.3 "Special Requirements for Specific Uses" by establishing Subsection (RR) "Rooftop Use", to amend Section 4.3.4(J)(3) "Exceptions to district height limitations", to amend Section 4.6.18(B) "Building and Structure Requirements", and to amend to Appendix A "Definitions" to update the standards associated with appurtenances, establish new requirements for Rooftop uses, and to update and add definitions related to appurtenances and rooftop uses.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 02-21](#)  
[Ordinance No. 02-21 - Planning and Zoning Report](#)  
[Ordinance No. 02-21 - Historic Preservation Report](#)  
[Ordinance No. 02-21 - SPRAB Report](#)  
[Legal Review Ord 02-21 Roof Top Uses and Roof Top Appurtenances](#)

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**

