

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, May 4, 2021

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Adam Frankel
Commissioner Juli Casale
Commissioner Ryan Boylston

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**

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. PRESENTATION BY STATE SENATOR LORI BERMAN, PROVIDING LEGISLATIVE UPDATES FROM THE 2021 FLORIDA LEGISLATIVE SESSION**

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:

April 6, 2021 Regular Commission Meeting Minutes

April 13, 2021 Workshop Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[April 6, 2021 Commission Meeting Minutes - DRAFT](#)

[April 13 2021 Workshop Meeting Minutes - DRAFT](#)

6.B. ACCEPTING A LANDSCAPE MAINTENANCE AGREEMENT, GENERAL UTILITY EASEMENT, PEDESTRIAN CLEAR ZONE EASEMENT AND RIGHT-OF-WAY DEED FOR THE HATCHER BUILDING PROJECT LOCATED 20 & 26 NW 6TH AVENUE.

Recommendation: Review and consider the Landscape Maintenance Agreement, General Utility Easement, Pedestrian Clear Zone Easement, and Right-Of-Way Deed, all as presented, for the Hatcher Building project, located at 20 & 26 NW 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Hatcher Building - Location Map](#)
[Hatcher Building - SPRAB Report](#)
[Hatcher Building - Site Plan](#)
[Hatcher Building - Pedestrian Clear Zone](#)
[Hatcher Building - ROW Deed](#)
[Hatcher Building - General Utility Easement](#)
[Hatcher Building - Landscape Maintenance Agreement](#)
[Hatcher Building - LMA Exhibit "B" \(Landscape Plans\)](#)
[Legal Review Pedestrian Clear Zone](#)
[Legal Review Right of Way Deed](#)
[Legal Review General Utility Easement](#)

6.C. INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH FOR THE USE OF THE SEACREST TRAINING FACILITY

Recommendation: Motion to approve Interlocal Agreement between the School Board of Palm Beach County and the City of Delray Beach for the use of the Seacrest Training Facility

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Seacrest Athletic Training Facility ILA 1 5 21 lw rev 2021-3-9 CLEAN](#)
[Legal Review Checklist School Board Seacrest Facility](#)

- 6.D.** ITEM(S) A1 AND A2 -ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 401 NE 2ND ST. AND ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 217 NE 4th ST.

Recommendation: Consideration of the following items:

GENERAL UTILITY EASEMENT(S)

Items A

Item A1 - Motion to approve and accept a General Utility Easement Dedication by the owner(s) of 401 NE 2nd St. to the City of Delray Beach.

Item A2 - Motion to approve and accept a General Utility Easement Dedication by the owner(s) of 217 NE 4th St to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews \(2 Items\)](#)
[Item \(A1a\) 401 NE 2nd St. - GUE PHG](#)
[Item \(A1b\) 401 NE 2nd St. -Exhibit A Sketch](#)
[Item \(A2a\) 217 NE 4th Ave. - GUE](#)
[Item \(A2b\) 217 NE 4th Ave. Exhibit A Sketch](#)

- 6.E.** APPROVAL OF A RESOLUTION NO. 61-21 TO AWARD SERVICE AUTHORIZATION NO. 7 WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. IN THE AMOUNT NOT-TO-EXCEED \$181,560 FOR COASTAL ENGINEERING CONSULTING SERVICES INCLUDING THE ANNUAL BEACH MONITORING SURVEYS AND PRE-CONSTRUCTION INVESTIGATION AND SURVEYS FOR THE 6TH REGULAR BEACH NOURISHMENT PROJECT. (PROJECT NO. 17-081)

Recommendation: Approval of a Resolution No. 61-21 to award Service Authorization No.7 with Aptim Environmental & Infrastructure, Inc. in the amount not-to-exceed \$181,560 for Coastal Engineering Consulting Services including continuing post-construction monitoring for the 2020 storm nourishment project with the annual beach monitoring surveys and pre-construction sub-aquatic vegetation investigation and borrow area surveys for the 6th regular beach nourishment project planned for Winter 2021/2022 for the City of Delray Beach's Nourishment Program. (Project No. 17-081)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Consulting Service Authorization for Coastal Engineerin](#)
[Resolution Aptim 61-21 final](#)
[2021 Coastal Services SA](#)

- 6.F.** RESOLUTION NO. 78-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A FINAL PLAT FOR A THREE-LOT SUBDIVISION KNOWN AS "BELLA DELRAY" LOCATED AT 1634 NORTH SWINTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommendation: Review and consider the Resolution No. 78-21 and the Final Plat to subdivide one lot into three separate lots and to accept easements and right-of-way dedications.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 78-21 Bella Plat](#)
[Bella Delray Plat](#)
[Bella Delray Plat - Survey](#)
[Simple Legal Review Approval 78-21.docx](#)

- 6.G.** RESOLUTION NO. 70-21 TO APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-NEA-GC07-041019 WITH DAVID MANCINI AND SONS, INC. FOR NE 3RD AVENUE STREETSCAPE IMPROVEMENTS IN THE AMOUNT NOT-TO-EXCEED \$1,869,688, INCLUDING A CONTINGENCY IN THE AMOUNT OF \$170,000 AND PERMIT FEES IN THE ESTIMATED AMOUNT OF \$16,833 (Project No. 2011-024)

Recommendation: Motion to Approve Resolution No. 70-21 to utilize Sourcewell ezIQC Contract No. FL-NEA-GC07-041019 with David Mancini and Sons, Inc. for NE 3rd Avenue Streetscape and Drainage improvements in the amount not-to-exceed \$1,869,688, including a contingency in the amount of \$170,000 and permit fees in the estimated amount of \$16,833. (Project No. 2011-024)

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Reso 70-21 DMSI NE 3rd Streetscape project](#)
[Legal Review Checklist Master Contractor Services Agreement David Mancini & 210409 - Agreement - NE 3rd Streetscape - DMSI Sourcewell piggyback FINAL 210409 - City of Delray Beach NE 3rd St Streetscape Proposal DM EXECUTED](#)

- 6.H.** ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR WORK TO BE PERFORMED WITHIN THE STATE OF FLORIDA RIGHT-OF-WAY ASSOCIATED WITH THE RELOCATION OF A WATER MAIN FOR THE PHG HOTEL LOCATED AT THE NORTHWEST CORNER OF NE 5TH AVENUE AND NE 2ND STREET.

Recommendation: Review and consider the acceptance of the Hold Harmless agreement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PHG Hold Harmless w. Exhibits](#)
[PHG - FDOT MOT Plan](#)
[PHG - Simple Legal Review](#)

6.I. PROCLAMATIONS:

- 6.I.1.** OBSERVANCE OF HAITIAN HERITAGE MONTH

Recommendation: Proclaim the month of May as Haitian Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Haitian Heritage Month](#)

6.I.2. KIDS TO PARK DAY PROCLAMATION

Recommendation: Motion to Proclaim May 15, 2021 as Kids to Park Day

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Kids To Parks Day May 15, 2021](#)

6.I.3. MAY 2021 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE MONTH

Recommendation: Proclamation to recognize May 2021 as Mental Health Awareness and Trauma Informed Care Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mental Health Awareness Month](#)

6.I.4. INFRASTRUCTURE WEEK PROCLAMATION

Recommendation: Motion to proclaim May 10, 2021 - May 14, 2021 as Infrastructure Week 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Infrastructure Week](#)

6.I.5. MUNICIPAL CLERKS WEEK PROCLAMATION

Recommendation: Recognizing all municipal clerks around the country and declaring May 2 - 8, 2021 as Municipal Clerks Week in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Municipal Clerks Week Proclamation](#)

6.I.6. PUBLIC WORKS WEEK PROCLAMATION

Recommendation: Motion to proclaim the week of May 16 to May 22 as Public Works Week.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Public Works Week Proclamation](#)
[NPWW Final Poster 20x30](#)

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1.** APPROVAL OF RESOLUTION NO. 68-21 TO AWARD AN AGREEMENT WITH TAW POWER SYSTEMS, INC. FOR THE REPLACEMENT OF THE EMERGENCY GENERATOR FOR THE INFORMATION TECHNOLOGY BUILDING; UTILIZING THE SCHOOL DISTRICT OF PALM BEACH COUNTY BID NO. 19C-9T IN THE AMOUNT OF - \$89,627

Recommendation: Motion to approve Resolution No. 68-21 to award an agreement with TAW Power Systems, Inc. for the replacement of the emergency generator for the Information Technology building, utilizing the School District of Palm Beach County Bid No. 19C-9T in the amount of \$89,627.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist TAW Power Systems](#)
[RESOLUTION NO. 68-21](#)
[TAW Power Systems Agreement](#)

- 6.K.2.** APPROVAL OF RESOLUTION NO. 60-21 TO APPROVE AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS (PHASE II) PURSUANT TO ITBC NO. 2021-025 (PROJECT NO. 16-095) - \$4,114,878

Recommendation: Motion to Approve Resolution No. 60-21 to award an Agreement with Ric-Man Construction, Inc. for the construction of neighborhood improvements in Osceola Park pursuant to ITBC No. 2021-025 (Project No. 16-095)

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Signed - Osceola Park Phase 2 - Ric-Man](#)
[Resolution 60-21 - Osceola Park Neighborhood Imprv Ph II - Ric-Man Construct](#)
[Legal Review Checklist Ric-Man Osceola Park](#)
[Submittal - Osceola Phase II - Ric-Man Construction, Inc.](#)
[Recommendation for Award Letter from Engineer of Record](#)

7. REGULAR AGENDA:

- 7.A.** CONSIDERATION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC.

Recommendation: Consideration of Memorandum of Understanding Between the City of Delray Beach and the Delray Chamber Education Fund, Inc.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[FINAL MOU dated 2-4-2021 Iq 4-9-21 LG REV 4-12-21 Iq rev 4-16-2021 FINAL](#)

- 7.B.** RESOLUTION NO. 64-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 211 SE 12TH ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 64-21 for a waiver request to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 64-21 211 SE 12th Rd Waiver](#)
[211 SE 12th Rd Justification letter](#)
[211 SE 12th Rd Survey](#)
[Lambert Trailer Court Plat](#)
[Legal Review Res 64-21 Waiver to Lot Frontage for 211 SE 12th Road](#)

- 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 57th and 58th Extensions of the State of Emergency for COVID -19, Resolution No. 81-21.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[57th Extension State of Emergency - COVID -19](#)
[58th Extension State of Emergency - COVID -19](#)
[Res 81-21 - COVID adopting PBC 2021-004 extending facial coverings directiv](#)

- 7.D.** DISCUSSION REGARDING JULY 4TH SPECIAL EVENT

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

- 7.E.** DISCUSSION REGARDING CITY MANAGER SEARCH

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Consider Ordinance No. 09-21, a privately-initiated request for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 09-21 LUMA](#)
[Delray Swan-Ord. No. 09-21, PZB Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 09-21](#)

8.B. ORDINANCE NO. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE PROPERTIES LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING “CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017” AND FURTHER AMENDING FIGURE 4.4.13-7, “RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN” AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Consider Ordinance No. 10-21, a privately-initiated request for rezoning from Medium Density Residential (RM) to Central Business District (CBD) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject properties.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 10-21 RZ](#)
[Delray Swan-Ord. No. 10-21, PZB Staff Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Proposed Regulating Plan](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 10-21](#)

- 8.C.** ORDINANCE NO. 13-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A NEW OFFICIAL ZONING MAP PURSUANT TO SECTION 4.1.2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR THE MAINTENANCE THEREOF; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 13-21 on Second Reading to adopt a new Official Zoning Map of the City of Delray Beach.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Official Zoning Map: Staff Report](#)
[Official Zoning Map: Ordinance No. 13-21](#)
[Official Zoning Map: 2017 and 2021 maps](#)
[Official Zoning Map: Legal Review](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT