

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, June 1, 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

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

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

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. PRESENTATION OF THE UNITED STATES FLAG BY SERGEANT LUIS SKEBERIS TO SHOW APPRECIATION OF CITY'S SUPPORT DURING MILITARY DEPLOYMENT**

Recommendation: Presentation only.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

4.B. RECOGNIZING DELRAY BEACH FIRE RESCUE, DIVISION OF OCEAN RESCUE FOR RECEIVING BEACH PATROL OF THE YEAR FOR 2020

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

4.C. 2021 HISTORIC PRESERVATION BOARD AWARDS - A PRESENTATION TO THE CITY COMMISSION OF THE 2021 HISTORIC PRESERVATION BOARD AWARDS.

Recommendation: Presentation only.

Sponsors: Development Services 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:
May 4, 2021 Regular City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[May 4 2021 Regular City Commission Meeting Minutes - DRAFT](#)

- 6.B.** RESOLUTION 95-21: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO ENTER INTO RULEMAKING TO ADOPT A "SLOW SPEED - MINIMUM WAKE" ZONE WITHIN THE INTRACOASTAL WATERWAY SYSTEM BETWEEN ATLANTIC AVENUE AND GEORGE BUSH BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: Motion to Approve Resolution 95-21.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval 95-21](#)
[Resolution 95-21](#)

- 6.C.** ITEM(S) A1 AND A2 -ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 401 NE 2ND ST. AND ACCEPTANCE OF A SEWER EASEMENT FOR 401 NE 2ND 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 Sewer Easement Dedication by the owner(s) of 401 NE 2nd St. to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews](#)
[Item \(A1a\) 401 NE 2nd St. - GUE PHG](#)
[Item \(A1b\) 401 NE 2nd St. - GUE -Exhibit A &Sketch](#)
[Item \(B1a\) 401 NE 2nd St. - Sewer Easement Deed](#)
[Item \(B1b\) 401 NE 2nd St. - Sewer - Exhibit A & Sketch](#)

6.D. EXTEND LEASE AGREEMENT TERMS FOR LEASE OF GLEASON PARKING LOT PREMISES WITH FIRST PRESBYTERIAN CHURCH OF DELRAY BEACH

Recommendation: Motion to Approve renewal of the lease agreement with the First Presbyterian Church of Delray for a period of five years. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.07(A)(3), "City Commission Approved Contracts, Renewal".

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Gleason Parking Lot Lease Agreement.pdf](#)
[Simple Legal Review Approval Amend No 3 with PResbyterian Church.docx](#)
[0105_001.pdf](#)

6.E. PROCLAMATIONS:**6.E.1. GUN VIOLENCE AWARENESS DAY PROCLAMATION**

Recommendation: Motion to declare the first Friday in June to be National Gun Violence Awareness Day in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Gun Violence Awareness Day](#)

6.E.2. LGBTQ PRIDE MONTH

Recommendation: Motion to declare June as LGBTQ Pride Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[LGBTQ Pride Month](#)

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

6.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM APRIL 5, THROUGH MAY 14, 2021.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 105 NE 7th Street](#)
[B - The Ray Hotel and the Shops Master Sign Program Amendment](#)
[C - The Ray Hotel and the Shops at the Ray Class II Site Plan Modification](#)
[D - 250 North Congress Avenue](#)
[E - SOFA Apartments](#)
[F - 5th Avenue Suites](#)
[G - Environment I Condo](#)
[H - Renaissance Village](#)
[I - 531 North Swinton Ave](#)

6.G. AWARD OF BIDS AND CONTRACTS:**6.G.1. APPROVAL OF RESOLUTION NO. 93-21 TO AWARD AN AGREEMENT WITH SYNOVUS BANK, INC. FOR LOCKBOX SERVICES FOR THE FINANCE DEPARTMENT'S UTILITY BILLING DIVISION (ITB 2021-006) - \$120,000**

Recommendation: Motion to Approve Resolution No. 93-21 to award an Agreement with Synovus Bank, for Lockbox Services for the Finance Department's Utility Billing Division (ITB 2021-006) in the amount of \$120,000 for the Agreement term, and authorize the City Manager to exercise any and all renewal options in amounts below, contingent upon appropriation of funds.

Sponsors: Finance Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Synovus Bank Lockbox Services](#)
[RESOLUTION NO. 93-21 Synovus Agreement for Lockbox Services](#)
[2021-006 Lockbox Services Agreement](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO: 80-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A RETAINING WALL SIX FEET IN HEIGHT WITH A DECORATIVE ALUMINUM GUARDRAIL THREE FEET IN HEIGHT, IN EXCESS OF THE HEIGHT LIMITATIONS FOR WALLS, FENCES, AND HEDGES LOCATED IN THE FRONT YARD, STREET SIDE YARD, AND INTERIOR SIDE YARD FOR THE PROPERTY LOCATED AT 1031 SEASPRAY AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and Consider Resolution No. 80-21 to allow the construction of a tall retaining wall six feet in height with a decorative guardrail three feet in height, in excess of the height limitations for walls located in the front yard, street side yard and interior side yard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res No 80-21 Waiver Retaining Wall and Guardrail](#)
[Res. No. 80-21 Exhibit B.pdf](#)
[Justification Statement 1031 Seaspray Ave](#)
[Applicant-EXHIBIT A Survey.pdf](#)
[Applicant-EXHIBIT B-Proposed Site Plan.pdf](#)
[Applicant-EXHIBIT C North Elevation.pdf](#)
[Applicant-EXHIBIT D Proposed Retaining Wall Sections.pdf](#)
[Applicant-EXHIBIT E North Elevation Rendering.pdf](#)
[Future FEMA Flood Map](#)
[Current FEMA Flood Map](#)
[Legal Review Res 80-21 Waiver to fence height for 1031 Seaspray Ave](#)

- 7.B.** RESOLUTION NO: 89-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW THE SECOND AND THIRD FLOOR BALCONIES TO EXTEND FOUR FEET TWO INCHES INTO THE FRONT SETBACK FOR THE PROPERTY LOCATED AT 1221 LAING STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and Consider Resolution No. 89-21 to allow the balconies on the second and third stories to extend four feet two inches into the front setback.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res No. 89-21](#)

[Res. No. 89-21 Exhibit B](#)

[1221 Laing Street Justification Letter](#)

[1221 Laing Street 3D RENDERING.pdf](#)

[1221 Laing ST - Existing Floor Plans.pdf](#)

[1221 Laing ST - Proposed Ground Floor Plan.pdf](#)

[1221 Laing ST - Proposed Second Floor Plan.pdf](#)

[1221 Laing ST - Proposed Third Floor Plan.pdf](#)

[Simple Legal Review Approval Res. No. 89-21](#)

- 7.C.** RESOLUTION NO. 94-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF A UTILITY EASEMENT LOCATED AT 16000 SOUTH MILITARY TRAIL, TOTALING APPROXIMATELY ONE HUNDRED THIRTEEN SQUARE FEET (113 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 94-21, for the abandonment of a portion of a ten-foot utility easement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 94-21 - Utility Easement Abandonment 16000 Military Trail](#)

[Res. No. 94-21 Exhibit A Sketch and Legal of Vacated Utility Easement](#)

[Utility Easement Exhibit](#)

[Legal Review Res 94-21](#)

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

Recommendation: Motion to Ratify the 61st and 62nd Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[61st extension of state of emergency 5-12-2021](#)

[62nd Extension State of Emergency - COVID -19](#)

7.E. RESOLUTION NO. 101-21 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REAFFIRMING THE CITY COMMISSION AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELRAY BEACH IN ACCORDANCE WITH SECTION 163.357, FLORIDA STATUTES; ESTABLISHING THE COMMUNITY REDEVELOPMENT AGENCY AS A FIVE MEMBER BOARD COMPRISED SOLELY OF MEMBERS OF THE DELRAY BEACH CITY COMMISSION; TERMINATING THE TERMS OF THE APPOINTED MEMBERS CURRENTLY SERVING ON THE COMMUNITY REDEVELOPMENT AGENCY; APPOINTING THE VICE- MAYOR OF THE CITY OF DELRAY BEACH AS THE CHAIR OF THE COMMUNITY REDEVELOPMENT AGENCY AND THE DEPUTY VICE-MAYOR OF THE CITY OF DELRAY BEACH AS THE VICE-CHAIR OF THE COMMUNITY REDEVELOPMENT AGENCY; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Consider Resolution Number 101-21

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 101-21 Commission as CRA Board](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

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