

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, October 5, 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. CARVER MIDDLE SCHOOL PRESENTATION**

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

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

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

5.A.1. Protocols for resident complaints regarding noise and/or other neighborhood disruptions

5.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:
Regular City Commission Meeting Minutes: August 10, 2021

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 10, 2021 Regular Commission Minutes - DRAFT reviewed.doc](#)

6.B. APPROVAL OF HOLD HARMLESS AGREEMENT FOR 1177 GEORGE BUSH BOULEVARD

Recommendation: Motion to approve and accept Hold Harmless Agreement in favor of the City.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless Agreement](#)

6.C. ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION 712 NE 8TH AVENUE

Recommendation: Review and consider the acceptance of a right-of-way dedication located at 712 NE 8th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[712 NE 8th Ave Right of Way Deed with sketch and Legal](#)
[712 NE 8th Avenue - Survey](#)
[712 NE 8th Ave Legal Review ROW Deed](#)

6.D. ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT ALONG NW 1ST STREET AND A LANDSCAPE MAINTENANCE AGREEMENT ALONG NW 1ST STREET AND NW 5TH AVENUE FOR THE PROPERTY LOCATED AT 98 NW 5TH AVENUE.

Recommendation: Review and consider acceptance of a Pedestrian Clear Zone along NW 1st Street and a Landscape Maintenance Agreement along NW 1st Street and NW 5th Avenue for the property located at 98 NW 5th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Easement Agreement for Pedestrian Clear Zone - CRA 98 NW 5th Ave.](#)
[Legal Review Pedestrian Clear Zone Easement CRA 98 NW 5th Ave.](#)
[Landscape Maintenance Agreement CRA-98 NW 5th Ave.](#)
[Lgal Review - Landscape Maintenance Agreement CRA-98 NW 5th Ave.](#)
[2020-10-07-HPB Staff Report-98 NW 5th Ave.](#)
[Plans-98 NW 5th Ave.](#)
[Color Rendering-98 NW 5th Ave.](#)

- 6.E.** RESOLUTION NO. 152-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO KENNETH J. FABEL AND PAOLA FABEL, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 228 NORTH DIXIE BOULEVARD, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: Review and consider Resolution No. 152-21 approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 228 North Dixie Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 152-21-228 N. Dixie Blvd.](#)
[Simple Legal Review Approval Resolution 152-21](#)
[HPB Staff Report-228 N. Dixie Blvd.](#)
[Ad Valorem Tax Exemption Application-228 N. Dixie Blvd.](#)
[Property Tax & Warranty Deed-228 N. Dixie Blvd.](#)
[Certificate of Occupancy-228 N. Dixie Blvd.](#)
[Architectural Drawings -228 N. Dixie Blvd.](#)
[Survey Old-228 N. Dixie Blvd.](#)
[Survey New-228 N. Dixie Blvd.](#)
[Before & After Photos-228 N. Dixie Blvd.](#)

- 6.F.** APPROVAL OF TWO (2) HISTORIC PRESERVATION GRANT AWARDS FROM THE STATE OF FLORIDA - DIVISION OF HISTORICAL RESOURCES

Recommendation: Review and consider two (2) grant awards from the State of Florida Division of Historical Resources. Each award is in the amount not to exceed \$50,000 for the Delray Beach Historic GIS (Heritage Education) and the Delray Beach Municipal Cemetery Historic Resource Survey (Survey Project) with a total of the two grants not to exceed \$100,000.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[22.h.sm.200.127 GAA unsigned-Cemetery](#)
[Simple Legal Review Approval Cemetary Grant from State](#)
[22.h.sm.300.116 GAA unsigned-GIS](#)
[Simple Legal Review Approval Historic GIS Project](#)

6.G. RESOLUTION NO. 155-21 AMENDING THE FISCAL YEAR 2020-21 BUDGET ADOPTED BY RESOLUTION NO. 157-21 ON SEPTEMBER 22, 2020.

Recommendation: Motion to Adopt Resolution No. 155-21 amending the Fiscal Year 2020-21 budget.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 155-21](#)
[Exhibit A Budget Amendment - FY 2021 - October 2021](#)
[Budget Amendment - Public Art Fund](#)
[Legal Review Res 155-21](#)

6.H. APPROVE COASTAL PARTNERSHIP INITIATIVE (CPI) GRANT APPLICATION TO INSTALL TIDAL BACKFLOW PREVENTION VALVES ON OUTFALL PIPES IN THE CITY OF DELRAY BEACH

Recommendation: Motion to approve and allow the Public Works department to submit a CPI grant application to the Florida Department of Environmental Protection (FDEP) for \$60,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[1.FY 22-23 Coastal Partnership Initiative Grant Application](#)
[2.Legal Review Coastal Partnership Initiative Grant Application](#)

6.I. PROCLAMATIONS:

6.I.1. PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[National Community Planning Month](#)

6.I.2. PROCLAMATION FOR FIRE PREVENTION MONTH 2021

Recommendation: Motion to proclaim October 2021 as Fire Prevention Month.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2021 Fire prevention month Proclamation](#)

6.I.3. NATIONAL WALK YOUR CHILD TO SCHOOL DAY PROCLAMATION - OCTOBER 6, 2021

Recommendation: Consideration of a proclamation for National Walk or Bike to School Day.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Walk and Bike to School Day](#)

6.I.4. INDIGENOUS PEOPLES DAY - OCTOBER 11, 2021

Recommendation: Motion to declare and observe Monday, October 11, 2021 as Indigenous Peoples Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Indigenous People's Day Proclamation](#)

6.I.5. COREY JONES MEMORIAL PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Corey Jones Proclamation](#)

6.I.6. PROCLAMATION FOR MEDIATION WEEK - OCTOBER 18-24, 2021

Recommendation: Motion to proclaim October 18-24, 2021 as Mediation Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mediation Week 2021](#)

6.I.7. PROCLAMATION FOR FLORIDA CITY GOVERNMENT WEEK - OCTOBER 18-24, 2021

Recommendation: Motion to proclaim October 18-24, 2021 as Florida City Government Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[FLORIDA CITY GOVERNMENT WEEK 2021](#)

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

6.J.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 6, THROUGH SEPTEMBER 24, 2021.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 100 MacFarlane Drive](#)
[B - 269 SE 5th Avenue](#)
[C - Holey Donuts](#)
[D - Grosvenor House](#)
[E - Tesla](#)
[F - 189 NE 2nd Avenue](#)

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 145-21 TO AWARD AN AGREEMENT TO ALLIED UNIVERSAL CORP. FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE; UTILIZING THE CITY OF FORT LAUDERDALE SOLICITATION #12525-312 - \$670,841

Recommendation: Motion to approve Resolution No. 145-21 to award an Agreement to Allied Universal Corp., for the purchase and delivery of sodium hypochlorite in the estimated amount of \$670,841 through August 31, 2023, utilizing the City of Fort Lauderdale, Florida Solicitation No. 12525-312, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[RESOLUTION NO. 145-21](#)
[Legal Review Checklist Allied Universal](#)
[Signed - Allied - Sodium Hypochlorite](#)
[12525-312 Co-Op Award Cover Sheet](#)
[12525312SodiumHypochlorite](#)

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 80th and 81st Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[80th Extension of State of Emergency 9-22-21](#)
[81st Extension of State of Emergency 9-29-2021](#)

7.B. UPDATE REGARDING TRAPPING COMMUNITY CATS

Recommendation: Motion to approve the allocation of \$25,000.00 to the Neighborhood and Community Services Department to plan and implement a community cats trap-neuter-vaccinate-return (TNVR) program, in partnership with local volunteer cat caregivers, Palm Beach County Animal Care and Control, Peggy Adams Animal Rescue and 501 (c) (3) entities licensed to provide TNVR services.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

8. FIRST READINGS:

8.A. ORDINANCE NO. 28-21, TO INDIVIDUALLY DESIGNATE “DOCS” AT 10 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 28-21 on First Reading for the Individual Designation of “Doc’s” at 10 North Swinton Avenue to the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 28-21-Doc's-10 N. Swinton Avenue](#)
[HPB Staff Report-10 N. Swinton Avenue-2021-09-01](#)
[Designation Report-10 N. Swinton Avenue-2021-09-01](#)
[Resource Photographs and Figures-10 N. Swinton Avenue-2021-09-01](#)
[Florida Master Site File Forms-10 N. Swinton Avenue-2021-09-01](#)
[Newspaper Articles-10 N. Swinton Avenue-2021-09-01](#)
[Simple Legal Review Approval-Doc's-10 N. Swinton Avenue](#)

9. PUBLIC HEARINGS/SECOND READINGS:

- 9.A.** ORDINANCE NO. 34-20: 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 37 WEST ATLANTIC AVENUE AND AN UNADDRESSED PARCEL ABUTTING TO THE EAST, WHICH MEASURE APPROXIMATELY 0.57 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM HISTORIC MIXED USE TO COMMERCIAL CORE, 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/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 34-20 on Second Reading, a privately initiated Land Use Map amendment redesignating the property located at 37 West Atlantic Avenue and an abutting unaddressed parcel to the east from Historic Mixed Use (HMU) to Commercial Core (CC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 34-20: Land Use Designation](#)
[Ord. No. 34-20: PZB Staff Report](#)
[Ord. No. 34-20: Location Map](#)
[Ord. No. 34-20: Land Use justification](#)
[Ord. No. 34-20: Traffic Study](#)
[Ord. No. 34-20: DDA Review](#)
[Ord. No. 34-20: Legal Review](#)

9.B. ORDINANCE NO. 35-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.57 ACRES IN SIZE PRESENTLY ZONED OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," BY AMENDING SUBSECTION (B), "REGULATING PLANS," TO ESTABLISH COMPATIBLE TRANSITIONS TO HISTORIC DISTRICTS; BY AMENDING FIGURE 4.4.13-B-2, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN," TO INCLUDE THE PROPERTIES IN THE WEST ATLANTIC NEIGHBORHOOD LIMITED HEIGHT AREA; BY AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS," AND TABLE 4.4.13(B), "BUILDING HEIGHT," TO DEFINE THE MAXIMUM BUILDING HEIGHT FOR PROPERTIES IN THE WEST ATLANTIC NEIGHBORHOOD LIMITED HEIGHT AREA; BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," AND SUBSECTION (F), "DEVELOPMENT STANDARDS," TO REMOVE THE PROPERTIES FROM THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT ZONING DISTRICT REGULATIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 35-20, a privately initiated rezoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) within the West Atlantic Neighborhood Sub-district, and associated amendments to the Land Development Regulations (LDR).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 35-20: Rezoning](#)
[Ord. No. 35-20: PZB Staff Report](#)
[Ord. No. 35-20: Location Map](#)
[Ord. No. 35-20: Rezoning justification](#)
[Ord. No. 35-20: Traffic Study](#)
[Ord. No. 35-20: DDA Review](#)
[Ord. No. 35-20: Legal Review](#)

- 9.C.** ORDINANCE NO. 33-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16, "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING PERIOD FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
(SECOND READING)

Recommendation: Motion to approve Ordinance No. 33-21 amending the qualifying period for the general election to accommodate statutory vote-by-mail requirements.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Ord 33-21 amending qualification period to 1st 2 weeks of Nov](#)
[Ordinance Amending Ch 34 - Legal Review](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT