

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 19, 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**

A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. PRESENTING SANDRA CORDOVA, ASSISTANT HUMAN RESOURCES GENERALIST, WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2021.**

Recommendation: Motion to present Sandra Cordova, Assistant Human Resources Generalist, with Employee of the Month for September 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Sandra Cordova](#)

4.B. PRESENTATION OF THE ICMA CERTIFICATE OF RECOGNITION FOR DELRAY BEACH'S 95TH ANNIVERSARY AS A COUNCIL-MANAGER FORM OF GOVERNMENT

Recommendation: Presentation by the Golf Florida Village Manager, Ms. Christine Thrower-Skinner with the Florida City/County Management Association (FCCMA).

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

4.C. PRESENTATION FROM ATLANTIC HIGH SCHOOL STUDENT GOVERNMENT ASSOCIATION

Recommendation: Presentation - No action required.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

4.D. PBC COMMUNITY REMEMBRANCE PROJECT

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:

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

5.A.1. Traffic calming and speed bump installation process

5.A.2. Current construction projects and resulting inconveniences

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 17, 2021
Follow-up Budget Workshop Meeting Minutes - August 24, 2021

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 17, 2021 Regular Commission Minutes - DRAFT](#)
[August 24, 2021 City Commission Budget Workshop Minutes - DRAFT](#)

6.B. APPROVE THE RESTRICTIVE COVENANT MASTER AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND ATLANTIC GROVE PARTNERS, LLC, PURSUANT TO THE REQUIREMENTS UNDER SECTION 4.7 OF THE LAND DEVELOPMENT REGULATIONS

Recommendation: Motion to Approve the Restrictive Covenant Master Agreement between the City of Delray Beach and Atlantic Grove Partners, LLC, pursuant to the requirements under Section 4.7 of the Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Atlantic Grove WFH Covenant with exhibits](#)

6.C. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF FREDERICK PICA V. CITY OF DELRAY BEACH

Recommendation: Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.D. DELRAY BEACH HISTORICAL SOCIETY, INC., FUNDING AGREEMENT

Recommendation: For City Commission consideration of an annual funding agreement for five years, pending budgetary approval each year, in the amount of \$50,000 per year plus an additional \$50,000 per year earmarked for a dedicated Archivist. Twenty percent of the cost of the Archivist per year (\$10,000) will be reimbursed to the City from the Community Redevelopment Authority (CRA).

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Reso 164-21 DBHS](#)
[Legal Review Checklist DBHS Funding Agreement](#)
[DBHS Funding Agreement KWB rev. 10.21.2021](#)

6.E. EXPANDING AND PRESERVING OUR CULTURAL HERITAGE, INC., FUNDING AGREEMENT

Recommendation: For City Commission consideration of an annual funding agreement for five years, pending budgetary approval each year, in the amount of \$31,000 per year.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Reso 165-21 EPOCH](#)
[Legal Review Checklist EPOCH Funding Agreement](#)
[EPOCH Spady Funding Agreement KWB rev. 10.13.2021](#)

6.F. THE FRIENDS OF SANDOWAY HOUSE NATURE CENTER, INC. FUNDING AGREEMENT

Recommendation: For City Commission consideration of a yearly funding agreement for five years, pending budgetary approval each year, in the amount of \$21,200.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Reso 166-21 with Sandoway](#)
[Legal Review Checklist Sandoway House Funding Agreement](#)
[Sandoway House Funding Agreement](#)

6.G. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$139,555 FOR THE PURCHASE OF ADDITIONAL HEALTH SCREENING PHYSICALS THROUGH MARCH 1, 2022, FOR THE FIRE RESCUE DEPARTMENT AND POLICE DEPARTMENT

Recommendation: Motion to approve an increase to the contract value in the estimated amount of \$139,555 through March 1, 2022, with Life Extension Clinics, Inc. d/b/a Life Scan Wellness Centers for the purchase of health screening physicals.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[City of Jacksonville Contract](#)
[Executed Agreement and Resolution](#)

6.H. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

Recommendation: Motion to approve application and award for the Florida Department of Transportation (FDOT) FY 21/22 Speed/Aggressive Driving Enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form FDOT Speed 21](#)
[FDOT Subgrant Agreement 2022 - Speed Aggressive Driving Grant 2022](#)

6.I. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Recommendation: Motion to approve application and award of the Florida Department of Transportation (FDOT) FY 21/22 Occupant Protection/Child Passenger Safety program grant.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form FDOT grant application Occupant Protection and Child Pa](#)
[FDOT Subgrant Agreement 2022 - Occupant Protection Grant 2022](#)

6.J. GRANT APPLICATION/THE VIRGINIA AND HARVEY KIMMEL FAMILY FOUNDATION

Recommendation: Motion to approve application to The Virginia and Harvey Kimmel Family Foundation for multi-year grant funding of additional Service Population Advocate in the total amount not to exceed \$300,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form Kimmel Foundation Grant](#)
[Service Population Advocate Calculation 9-15-2021 rev 2](#)

6.K. APPROVAL OF THE REQUEST FOR FUNDING FROM THE EMANUEL JACKSON SR. PROJECT, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$10,000.

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to the Emanuel Jackson Sr. Project, Inc. in the amount of \$10,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form_E Jackson Project](#)
[Emanuel Jackson Sr. Project](#)

6.L. ITEM(S) A1- ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 318 PALM TRAIL.

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 318 Palm Trail to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Review ROW Deed - 318 Palm Trl.](#)
[Item \(A1a\) - ROW - 318 Palm Trail](#)
[Item \(A1b\) Exhibit A & Sketch -318 Palm Trl.](#)

6.M. PROCLAMATIONS:

6.M.1. DELRAY READS DAY - PROCLAMATION

Recommendation: Motion to proclaim Thursday, October 28, 2021 as Delray Reads Day.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Delray Reads Day Proclamation 2021](#)

6.M.2. ATLANTIC HIGH SCHOOL DAY - OCTOBER 29, 2021

Recommendation: Motion to declare the last Friday in October as Atlantic High School Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Atlantic High School Day 50th Anniversary](#)

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

6.N.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 27, THROUGH OCTOBER 8, 2021.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 324 Lofts](#)
[B - 240 SE 2nd Avenue](#)
[C - 143 South Swinton Avenue](#)

6.O. AWARD OF BIDS AND CONTRACTS:

6.O.1. APPROVAL OF RESOLUTION NO. 150-21 TO APPROVE AN AGREEMENT WITH CHEN MOORE AND ASSOCIATES, INC. FOR FORCEMAIN LIFT STATION 50 TO SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT PLANT ASSESSMENT AND CONDITIONS REPORT AND ENGINEERING PURSUANT TO RFQ NO. 2020-027 (PROJECT NO. 20-013) - \$122,368

Recommendation: Motion to Approve Resolution No. 150-21 to approve an Agreement with Chen Moore and Associates, Inc. for Forcemain Lift Station 50 to South Central Regional Wastewater Treatment Plant Assessment and Conditions Report and Engineering pursuant to RFQ No. 2020-027 (Project No. 20-013), in an amount not to exceed \$122,368.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement-FM50 TO SCRWWTP ASSESMENT-CHEN MOORE IT \(kwb.rev\) :](#)
[Exhibits A & B - Scope and Fee Summary - FM50 to SCRWWTP](#)
[Legal Review Checklist Chen Moore](#)
[Resolution No. 150-21 - FM 50 TO SCRWWTP ASSESSMENT - CHEN MOOR](#)
[CMA Submittal RFQ 2020-027 8-31-2020](#)
[2020-027 Scoring Summary after Technical Evals & Interviews Combo_final](#)

7. REGULAR AGENDA:

7.A APPROVAL OF RESOLUTION NO.123-21 TO AWARD AN AGREEMENT WITH MILLER3 CONSULTING INC., FOR DISPARITY STUDY CONSULTING SERVICES PURSUANT TO RFP NO. 2021-015 - \$292,125

Recommendation: Motion to approve Resolution No. 123-21 to award an Agreement with Miller3 Consulting Inc. for Disparity Study Consulting Services pursuant to Request for Proposals (RFP) No. 2021-015 in the amount of \$292,125.

Sponsors: Economic Development Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Miller3 consulting services re disparity study](#)
[RESOLUTION NO. 123-21 Miller3 Consulting Services Disparity Study](#)
[RFP 2021-015 Agreement](#)
[2021-015 - Disparity Study Scope, Tasks, Deliverables](#)

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 82nd and 83rd Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[82nd Extension of State of Emergency 10-06-2021](#)
[83rd extension of state of emergency 10-13-2021 - signed](#)

7.C. PINEAPPLE GROVE ARTS DISTRICT DONATION OF DOG SCULPTURE

Recommendation: Seeking City Commission direction on whether or not to accept the donation and have the sculpture installed as outlined.
If approved, also authorizing the City Manager to execute an agreement to accept the donation.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Dog Sculpture](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 17-21: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (W), "VETERINARY CLINICS," TO RENAME THE SUBSECTION AND TO PROVIDE SPECIFIC REGULATIONS FOR DOMESTIC ANIMAL SERVICE FACILITIES, INCLUDING PARKING REQUIREMENTS, OVERNIGHT BOARDING, AND OUTSIDE USE AREAS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO REMOVE PET GROOMING FROM THE LIST OF PERMITTED SERVICES AND FACILITIES; AND AMENDING SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES AND PET HOTELS AS A CONDITIONAL USE; AMENDING SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ADD PET SERVICES AS A CONDITIONAL USE; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS" TO ADD PET SERVICES AS A CONDITIONAL USE TO ALL SUB-DISTRICTS AND PET HOTELS AS A CONDITIONAL USE TO THE RAILROAD CORRIDOR SUB-DISTRICT; AMENDING SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO REFERENCE SECTION 4.3.3(W); AMENDING SECTION 4.4.18, "PLANNED COMMERCE CENTER (PCC) DISTRICT," SUBSECTION (B), "ALLOWED USES" TO ADD PET SERVICES WITHOUT OUTSIDE USE AREAS; AMENDING SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO UPDATE TERMINOLOGY AND TO ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES PERMITTED" TO UPDATE TERMINOLOGY AND ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ADD PET SERVICES AND VETERINARY CLINICS AND AMENDING SUBSECTION (H), "SPECIAL DISTRICT REGULATIONS" TO PROVIDE ADDITIONAL LIMITATIONS ON PET SERVICES AND VETERINARY CLINICS; AMENDING SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES WITH OUTSIDE USE AREAS, PET HOTELS, AND ANIMAL SHELTERS; AMENDING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT," SUBSECTION (E), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES; AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT DEFINITIONS FOR ANIMAL SHELTER, DOMESTIC ANIMALS, DOMESTIC ANIMAL SERVICES, PET HOTEL, AND PET SERVICES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 17-21 on Second Reading, to amend the Land Development Regulations (LDR) to adopt specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Domestic Animal Services, Ord. No. 17-21](#)
[Domestic Animal Services, Ord. No. 17-21: Planning and Zoning Staff Report](#)
[Domestic Animal Services, Ord. No. 17-21: Kennels Map, Current LDR](#)
[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/o outdoor](#)
[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/ outdoor ;](#)
[Domestic Animal Services, Ord. No. 17-21: Existing Grooming and Vet. Establis](#)
[Legal Review: Ord. No. 17-21](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 21-21: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," TO REVISE THE BOARD COMPOSITION REQUIREMENTS AND DUTIES OF THE BOARD OF ADJUSTMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 21-21, a City-initiated request to amend Section 2.2.4 of the Land Development Regulations (LDRs) for the purpose of modifying board composition requirements and duties for the Board of Adjustment.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 21-21: Board of Adjustments](#)
[Ordinance No. 21-21: PZB Staff Report](#)
[Ordinance No. 21-21: Legal Review](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT