

# City of Delray Beach

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



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, May 3, 2022

Commission Chambers  
Delray Beach City Hall

### City Commission

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

## **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. None

**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. Current construction projects

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 - December 14, 2021

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[December 14, 2021 Regular Commission Minutes - DRAFT](#)

**6.B. RESOLUTION NO. 71-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SETTLEMENT AGREEMENTS RELATED TO THE OPIOID EPIDEMIC LITIGATION AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Recommendation:** Motion to Approve Resolution 71-22.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Res 71-22 Settlement Authority for Opioid Litigation](#)

- 6.C.** MOTION TO APPROVE CONSENT LETTER FOR THE INSTALLATION OF A GENERATOR PURSUANT TO THE JUNE 6, 2001 LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND AT&T WIRELESS SERVICES OF FLORIDA, INC. NOW CINGULAR WIRELESS PCS, LLC.

**Recommendation:** Motion to approve consent letter for the installation of a generator pursuant to the June 6, 2001 lease agreement between the City of Delray Beach, Florida and AT&T Wireless Services of Florida, Inc. now Cingular Wireless, PCS, LLC.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Consent Letter for installation of generator by ATT pursuant to lea](#)  
[Mastec network solutions - Consent Letter](#)  
[Lease Agreement with ATT](#)  
[First Amendment to Lease Agreement](#)  
[New Cingular Wireless PCS LLC \(ATT\) - amd no. 2 to lease agreement](#)

- 6.D.** MOTION TO APPROVE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS.

**Recommendation:** Motion to approve second amendment to lease agreement between the City of Delray Beach and Cellco Partnership d/b/a Verizon Wireless.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Amd #2 to Lease Agreement with Verizon for Tower Space at DBPD](#)  
[Legal Review Amd #2 to Verizon Wireless Lease of Police Cell Tower](#)  
[68610 Delray Police Station - First Amendment](#)  
[68610 Delray Police Station - Lease Agreement](#)

- 6.E.** ACCEPTANCE OF A DRAINAGE EASEMENT ALONG THE WEST SIDE OF THE SINGLE-FAMILY RESIDENCE, BETWEEN VISTA DEL MAR SOUTH AND SEABREEZE AVENUE ON THE PROPERTY LOCATED AT 212 SEABREEZE AVENUE.

**Recommendation:** Review and consider acceptance of a drainage easement along the west side of the single-family residence, between Vista Del Mar and Seabreeze Avenue on the property located at 212 Seabreeze Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Drainage Easement Agreement-212 Seabreeze Ave-2022-04-25](#)  
[Legal Review- 212 Seabreeze Ave- 2022-04-25](#)

**6.F. ITEM(S) A1- ACCEPTANCE OF TWO (2) RIGHT-OF-WAY DEDICATIONS BY 1541 CATHERINE DR.**

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

**RIGHT OF WAY DEED(S)**

**Item A1**

Motion to approve and accept two Right of Way Dedications by the owner(s) of 1541 Catherine Dr. to the City of Delray Beach.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2 Right of Way Deeds Lucaya Delray Inc](#)  
[Legal Review 2 Right of Way Deeds Lucaya Delray Inc](#)

- 6.G.** ITEM(S) A1, A2, A3,A4, A5 AND A6 - ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 300 SANDPIPER LANE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 924 NE 9th AVENUE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 404 SE 4th AVENUE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 408 SW 4TH STREET AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 508 NE 7TH AVENUE AND ACCEPTANCE OF RIGHT OF WAY DEDICATION BY 512 NE 7TH AVENUE.

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

**RIGHT OF WAY DEED(S)**

**Item(S) A**

Item A1 - Motion to approve and accept a Right of Way Dedication by the owners of 300 Sandpiper Ln.

Item A2 - Motion to approve and accept a Right of Way Dedication by the owners of. 924 NE 9th Ave.

Item A3 - Motion to approve and accept a Right of Way Dedication by the owners of 404 SE 4th Ave.

Item A4 - Motion to approve and accept a Right of Way Dedication by the owners of 408 SW 4th St.

Item A5 - Motion to approve and accept a Right of Way Dedication by the owners of 508 NE 7TH Ave.

Item A6 - Motion to approve and accept a Right of Way Dedication by the owners of 512 NE 7TH Ave.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review ROW Deed 300 Sandpiper Lane Sherri Glist Mariani Declaration](#)  
[Legal Review ROW Deed 924 NE 9th Ave LLC](#)  
[Legal Review ROW Deed 404 SE 4th Ave Casa Moderna Delray LLC](#)  
[Legal Review ROW Deed 408 SW 4th Street 408SW LLC](#)  
[Legal Review ROW Deed 508 NE 7th Ave](#)  
[Legal Review ROW Deed 512 NE 7th Ave](#)  
[Item \(A1a\) ROW - 300 Sandpiper Ln](#)  
[Item \(A1b\) Exhibit A Sketch of Desc - 300 Sandpiper Ln.](#)  
[Item \(A2a\) ROW - 924 NE 9th Ave](#)  
[Item \(A2b\) Exhibit A & Survey - 924 NE 9th Ave \(1\)](#)  
[Item \(A3a\) ROW - 404 SE 4th Ave](#)  
[Item \(A3b\) Exhibit A Sketch & Desc - 404 SE 4th Ave](#)  
[Item \(A4a\) 408 SW 4th St. - ROW](#)  
[Item \(A4b\) Exhibit A Sketch - 408 SW 4th St](#)  
[Item \(A5a\)- 508 NE 7th Ave](#)  
[Item \(A5b\) Exhibit A & Sketch - 508 NE 7th Ave](#)  
[Item \(A6a\) - 512 NE 7th Ave - ROW \(1\)](#)  
[Item \(A6b\) Exhibit A Sketch - 512 NE 7th Ave](#)

## 6.H. PROCLAMATIONS:

### 6.H.1. MUNICIPAL CLERKS WEEK PROCLAMATION

**Recommendation:** Recognizing all municipal clerks around the country and declaring May 1-7, 2022 as Municipal Clerks Week in the City of Delray Beach.

**Sponsors:** City Clerk Department

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

### 6.H.2. FIREFIGHTER APPRECIATION DAY

**Recommendation:** Motion to proclaim May 4, 2022 as Firefighter Appreciation Day.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Firefighter Appreciation Proclamation](#)

**6.H.3. DELRAY BEACH POLICE DEPARTMENT MEMORIAL WEEK**

**Recommendation:** Motion to proclaim May 11 through May 17 as Delray Beach Police Department Memorial Week.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Proclamation Police Week Final](#)

**6.H.4. PUBLIC WORKS WEEK PROCLAMATION**

**Recommendation:** Motion to proclaim the week of May 15 to May 21 as Public Works Week.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2022 NPWW Delray Proclamation](#)  
[22NPWW Poster 200x300](#)

**6.H.5. PROCLAMATION TO DESIGNATE THE WEEK OF MAY 15-22 AS WATER REUSE WEEK**

**Recommendation:** Motion to designate the week of May 15-22, 2022 as Water Reuse Week.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Water Reuse Week](#)

**6.H.6. PROCLAMATION DESIGNATING THE MONTH OF MAY AS HISTORIC PRESERVATION MONTH IN DELRAY BEACH**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[2022-HP Month Proclamation](#)

**6.H.7. WE ♥ SMALL BIZ MONTH PROCLAMATION - MAY 2022**

**Recommendation:** Motion to proclaim May 2022 as We ♥ Small Biz Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[We Love Small Biz Month Proclamation](#)

**6.H.8. MAY 2022 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE MONTH**

**Recommendation:** Proclamation to recognize May 2022 as Mental Health Awareness and Trauma Informed Care Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Mental Health Awareness and Trauma Informed Care](#)



**6.H.9. OBSERVANCE OF HAITIAN-AMERICAN HERITAGE MONTH**

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

**Sponsors:** City Clerk Department

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

**6.H.1 ASIAN-AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH  
0.**

**Recommendation:** Motion to declare May as Asian-American and Pacific Islander Heritage Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Asian American and Pacific Islander Heritage Month](#)

**6.H.1 HEPATITIS AWARENESS MONTH PROCLAMATION  
1.**

**Recommendation:** Motion to proclaim May as Hepatitis Awareness Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Hepatitis Awareness Month Proclamation](#)

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

6.I.1. None

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

6.J.1. None

**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO. 58-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 820 SE 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and Consider Resolution No. 58-22 for a Conditional Use to allow a domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel at 820 SE 5th Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 58-22](#)  
[PZB Conditional Use Staff Report](#)  
[Applicant Justification Statement](#)  
[Site Plan](#)  
[Simple Legal Review Resolution 58-22](#)

## **8. PUBLIC HEARINGS/SECOND READINGS:**

**8.A.** ORDINANCE NO. 02-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR AN UNADDRESSED PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, THAT MEASURES APPROXIMATELY 0.1109 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN; RE-DESIGNATING SAID LAND FROM COMMUNITY FACILITIES 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:** Consider Ordinance No. 02-22, a privately initiated request for a Land Use Map Amendment for the +/- 0.1109 acre property located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street (PCN # 12-43-46-16-01-085-0050), to amend the Land Use Map designation from Community Facilities (CF) to Commercial Core (CC).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[SE 3rd Avenue - Ord 02-22](#)  
[SE 3rd Avenue - PZB Staff Report](#)  
[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)  
[SE 3rd Avenue - Applicant LUMA Justification Statement](#)  
[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)  
[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)  
[SE 3rd Avenue - Legal Review Ordinance 02-22](#)

**8.B.** ORDINANCE NO. 03-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; CORRECTING THE SCRIVENER'S ERROR IN FIGURE 4.4.13-B-1, "CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN," OF THE LAND DEVELOPMENT REGULATIONS, TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Recommendation:** Consider Ordinance No. 03-22, a privately initiated request for a Rezoning for the +/- 0.1109 acre property located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street (PCN # 12-43-46-16-01-085-0050), to rezone the property from Community Facilities (CF) to Central Business District (CBD).

**Sponsors:** Development Services Department

**Attachments:**

[Agenda Cover Report](#)

[SE 3rd Avenue - Ord 03-22](#)

[SE 3rd Avenue - PZB Staff Report](#)

[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Central Core Sub-district Regulating Plan](#)

[SE 3rd Avenue - Applicant Rezoning Justification Statement](#)

[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)

[SE 3rd Avenue - Legal Review Ordinance 03-22](#)

## 9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 17-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SUBHEADING "RATES, CHARGES, AND FEES," SECTION 52.34, "WATER RATES," SUBSECTION (B), "MONTHLY RATES," INCREASING THE RATES FOR WATER FURNISHED BY THE CITY; AMENDING CHAPTER 53, "SANITARY SEWERS," SUBHEADING "USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM," SECTION 53.130, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE," SUBSECTION (D), "[RATES AND CHARGES.]," INCREASING THE SANITARY SEWER SERVICE CHARGES; AMENDING CHAPTER 59, "RECLAIMED WATER," SECTION 59.09, "FEES, RATES, AND CHARGES," TO REFERENCE THE COMMODITY CHARGES IN SECTION 52.34, "WATER RATES;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 17-22, pertaining to *Title 5*, "Public Works," Chapter 52, "Water," Subheading "Rates, Charges, and Fees," Section 52.34, "Water Rates," Subsection (B), "Monthly Rates," of the Code of Ordinances of the City of Delray Beach, Florida.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Commission Presentation - 2022-03-08 - v1 \(002\)](#)  
[Ord 17-22 Water and Sewer Fees](#)  
[Legal Review Ord 17-22](#)

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

### A. City Manager

### B. City Attorney

### C. City Commission

#### 10.C. STUDY REGARDING INNOVATIVE AND DIVERSE HOUSING TYPES

##### 1. SPONSOR: DEPUTY VICE MAYOR JULI CASALE

**Recommendation:** Motion to Direct Staff to Obtain a Study for Innovative and Diverse Housing Types.

**Sponsors:** Casale

**Attachments:** [Agenda Cover Report](#)  
[0015\\_001](#)

## 11. ADJOURNMENT