

City of Delray Beach

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www.mydelraybeach.com



Minutes - Draft

Tuesday, March 3, 2020

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia

Vice Mayor Shirley Ervin Johnson

Deputy Vice Mayor Bill Bathurst

Commissioner Adam Frankel

Commissioner Ryan Boylston

1. ROLL CALL

Mayor Petrolia called the regular meeting to order at 4:00 p.m.
The roll call was taken by the City Clerk.

The following were in attendance:

Present: 5 - Mayor Shelly Petrolia, Vice-Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Deputy Vice Mayor William Bathurst, and Commissioner Ryan Boylston

Others present were:

Suzanne Fisher, Assistant City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

City Attorney Gelin stated that the applicant requested item 7.D, Resolution 33-20 be taken off the agenda until a later date.

Commissioner Frankel requested item 7.I. be moved to 7.A.A.

A motion was made by Commissioner Boylston, seconded by Vice-Mayor Ervin Johnson, that the agenda be approved as amended. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

4. PRESENTATIONS:

4.A. [20-161](#) PRESENTATION PROVIDING AN UPDATE ON OPIOID LITIGATION

Attachments: [Agenda Cover Report](#)

Paul Geller and Mark Dearman with Robbins Geller Law Firm, Boca Raton, FL, gave an updated overview presentation on the National Opioid Litigation that they are representing the City of Delray Beach in.

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**

None.

B. From the Public

John Gergen, 608 NW 8 Avenue, Delray Beach, serves on the Parking Advisory Board, stated that he supports the six-month valet services extension that the Parking Advisory Board unanimously passed.

James Quillian, 925 SE 2nd Avenue, Osceola Park, Delray Beach, expressed concern over allocated funds to engineers and builders. He also inquired about the rezoning on Federal, 4th and 10th Avenues.

Angie Gray, 219 SW 9th Street, said that she would like to see Pompey Park named after Coco Gauff.

Pauline Moody, unverifiable address, spoke about the opioid crisis in the city and the need to repair the roads.

Michael Winn, Delray Beach, stated his displeasure in the city's officials and the Police Department.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Deputy Vice Mayor Bathurst, seconded by Commissioner Boylston, that the consent agenda be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

6.A. [20-067](#) CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

October 15, 2019 Special Meeting Attorney/Client Session Minutes
December 10, 2019 Regular City Commission Meeting Minutes
January 16, 2020 Regular City Commission Meeting Minutes

January 21, 2020 Regular City Commission Meeting Minutes
February 4, 2020 Special Meeting Attorney/Client Session Minutes
February 4, 2020 Regular City Commission Meeting Minutes
February 11, 2020 Regular City Commission Meeting Minutes

Attachments: [Agenda Cover Report](#)
[October 15, 2019 Special Meeting Attorney-Client Session](#)
[December 10, 2019 Regular Meeting Minutes DRAFT](#)
[January 16, 2020 Regular City Commission Meeting Minutes DRAFT](#)
[January 21, 2020 Regular City Commission Meeting Minutes](#)
[February 4 2020 Special Meeting Attorney - Client Session Draft](#)
[February 4, 2020 Regular City Commission Meeting Minutes DRAFT](#)
[February 11, 2020 Regular City Commission Meeting Minutes DRAFT](#)

Approved.

6.B. [20-183](#) SETTLEMENT IN THE CASE OF DEPOT WAREHOUSE LLC V. CITY OF DELRAY BEACH

Body: **Recommended Action:**

Recommendation: Motion to approve settlement in the case of *Depot Warehouse, LLC, v. City of Delray Beach*, for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Attachments: [Agenda Cover Report](#)

Approved.

6.C. [20-057](#) FINAL PLAT FOR 912 PALM TRAIL.

Body: **Recommended Action:**

Recommendation: Review and consider Final Plat for 912 Palm Trail.

Attachments: [Agenda Cover Report](#)
[PALM TRAIL PLAT SHEET 1](#)
[PALM TRAIL PLAT SHEET 2](#)
[912 Palm Trail PZB Report](#)
[16-51 SURVEY](#)

Approved.

6.D. [20-132](#) ACCEPTANCE OF A TOTAL 597.97 SQUARE FOOT PERPETUAL PEDESTRIAN CLEAR ZONE EASEMENT, A 197.97 SQUARE FOOT CORNER CLIP DEDICATION LOCATED AT PORTIONS OF LOT 1, BLOCK 93, OF THE RE-SUBDIVISION OF BLOCK 93, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM PIERRE DELRAY ONE LLC, "THE

GRANTOR", A HOLD HARMLESS AGREEMENT, AND A BICYCLE PARKING MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 302 E. ATLANTIC AVENUE (PROJECT APPROVED AS "PIERRE DELRAY I").

Body: **Recommended Action:**

Recommendation: Review and consider acceptance of a perpetual pedestrian clear zone easement, a corner clip dedication, a hold harmless agreement, and a bicycle parking maintenance agreement for the Pierre Delray 1 building located at 302 E. Atlantic Avenue.

Attachments: [Agenda Cover Report](#)
[Agreements - Location Map - Pierre Delray I](#)
[Agreements - Corner Clip Dedication - Pierre Delray I](#)
[Agreements - Hold Harmless - Pierre Delray I](#)
[Agreements - Pedestrian Clear Zone Easement - Pierre Delray I](#)
[Agreements - Bike Parking Maintenance - Pierre Delray I](#)
[Agreements - Legal Review Form - Pierre Delray I](#)

Approved.

- 6.E. [20-099](#) ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 27 AND 28, BLOCK 81, SUBDIVISION OF BLOCK 81, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 32 (P.R.P.B.CO.), ALSO KNOWN AS TOWNHOMES AT 214 4TH.

Body: **Recommended Action:**

Recommendation: Review and consider the Easement Agreement for the Pedestrian Clear Zone, as presented, with consideration of the Final (Major) Plat for Townhomes at 214 4th, located at the southwest corner of the intersection of NE 3rd Avenue and NE 4th Street, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

Attachments: [Agenda Cover Report](#)
[Townhomes at 214 4th Location Map](#)
[Townhomes at 214 4th Plat](#)
[Townhomes at 214 4th Site Plan](#)
[Townhomes at 214 4th executed PCZ Agreement](#)
[Townhomes at 214 4th PZ Plat Staff Report 5-20-19](#)
[Legal Review Pedestrian Clear Zone Easement for 214 4th Townhomes.docx](#)

Approved.

- 6.F. [20-171](#) APPROVAL TO SUBMIT FOR SEVERAL DIFFERENT GRANTS UNDER

THE FY 2019 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) IN THE ESTIMATED TOTAL AMOUNT OF \$ 1,585,300 FOR THE FIRE-RESCUE DEPARTMENT.

Body: Recommended Action:

Recommendation: Staff recommends the approval to submit for several different grants under the FY 2019 Assistance to Firefighters Grant (AFG).

Attachments: [Agenda Cover Report](#)
[AFG Grant Submittal Descriptions](#)
[AFG Grant-Fire Training Trailer](#)
[AFG Grant - Air Light Trailer](#)

Approved.

- 6.G. [20-114](#) APPROVAL OF AMENDMENT NO. 1 WITH RELATION INSURANCE SERVICES OF FLORIDA, INC RENEWING THE CITY'S AGREEMENT FOR PROPERTY AND CASUALTY BROKER SERVICES (RFP 2016-129) - \$40,000

Body: Recommended Action:

Recommendation: Motion to Approve Amendment No. 1 with Relation Insurance Services of Florida to renew the Agreement under the same terms and conditions in the amount of \$40,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent on appropriations of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Amendment-Renewal No. 1 Relations Insurance Services of Florida formerly Employer Mutual RFP 2016-129 Amendment No. 1](#)

Approved.

- 6.H. [20-111](#) APPROVAL OF RESOLUTION NO. 52-20 APPROVING THE LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING RECEIPT OF GRANT FUNDS FOR THE LOWSON BOULEVARD PROJECT FROM DOVER ROAD TO US-1/SE 5TH AVENUE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 52-20 to approve the Local Agency Program agreement with the Florida Department of Transportation regarding receipt of grant funds for the Lowson Boulevard Project from Dover Road to US-1/SE 5th Avenue in the amount of \$4,463,000.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist](#)
[Resolution No. 52-20 FDOT LAP Agreement - Lowson Blvd.](#)
[Project Location Map - Lowson Boulevard Project](#)
[436896-1-58-01 Unexecuted LAP Agreement](#)

Approved.

- 6.I. [20-137](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Taverna Opa](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

Approved.

- 6.J. [20-138](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH LSMS, INC. d/b/a TRAMONTI RESTAURANT PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with LSMS, Inc. d/b/a/ Tramonti Restaurant providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Tramonti Agreement](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

Approved.

- 6.K. [20-139](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET

PARKING LICENSE AGREEMENT WITH THE GROVE HOSPITALITY GROUP, LLC, PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with The Grove Hospitality Group, LLC, providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[The Grove](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

Approved.

- 6.L. [20-140](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LLC, d/b/a ROCCO'S TACOS PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Delray Taco, LLC, d/b/a Rocco's Tacos providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Delray Taco](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

Approved.

- 6.M. [20-141](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH OSTERIA NUMERO UNO, LTD d/b/a ELISABETTA'S PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Osteria Numero Uno, LTD d/b/a Elisabetta's providing valet parking services to extend the license from April 1, 2020

until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Elisabetta's](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No](#)
[1](#)

Approved.

- 6.N. [20-142](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CUT 432, LLC, d/b/a CUT 432 PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Cut 432, LLC, d/b/a Cut 432 providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Cut 432](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No](#)
[1](#)

Approved.

- 6.O. [20-143](#) APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA, INC. d/b/a CAFFE LUNA ROSA PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Caffe Luna Rosa, Inc. d/b/a Caffe Luna Rosa providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)
[Caffe Luna Rosa](#)
[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No](#)
[1](#)

Approved.

- 6.P. [20-179](#) APPROVING A VALET PARKING LICENSE AGREEMENT WITH

ROSEBUD 307, LLC, d/b/a/ LIONFISH PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Body: **Recommended Action:**

Recommendation: Motion to approve a Valet Parking License Agreement with Rosebud 307, LLC, d/b/a Lionfish providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Attachments: [Agenda Cover Report](#)

[LionfishValet License Agreement final Signed](#)

[NE 3rd Avenue Proposed Valet Ramping Area](#)

[Lionfish final valet path map](#)

[Lionfish Valet Que Location Map final](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Lionfish](#)

Approved.

- 6.Q. [20-182](#) INTERLOCAL AGREEMENT BETWEEN THE CITY AND CRA FOR FUNDING THE NE 3RD AVENUE/STREET STREETSCAPE PROJECT- FY 2019-2020

Body: **Recommended Action:**

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) for funding of the NE 3rd Avenue/Street Streetscape Project within the CRA District for Fiscal Year 2019-2020.

Attachments: [Agenda Cover Report](#)

[Exhibit A - Revised ILA NE 3rd Avenue Street Project CA rev](#)

[Legal Review Checklist form v. 5 ILA for Construction-Professional Services 2-18-20](#)

Approved.

- 6.R. [20-127](#) APPROVE A GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE CONSTRUCTION OF RECLAIMED WATER MAINS WITHIN THE SW NEIGHBORHOOD IMPROVEMENTS PROJECT, ALONG SW 4TH ST, INCLUDING SW 6TH ST, SW 7TH AVE, AND SW 3RD COURT AND NE 2ND STREET FROM NE 4TH AVE TO NW 2ND AVE, IN THE AMOUNT NOT TO EXCEED \$450,000, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR ALTERNATIVE WATER SUPPLY.

Body: **Recommended Action:**

Recommendation: Staff is requesting City Commission to approve and execute grant agreement No. 4600004144 with the South Florida Water Management

District (SFWMD) for providing supplementary funding for construction of reclaimed water mains within the SW neighborhood improvements project, along SW 4th Street, including SW 6th Street, SW 7th Avenue and SW 3rd Court (considered Reclaimed Area 14), as well as NE 2nd Street from NE 4th Avenue to NW 2nd Avenue (considered Phase 1 of Reclaimed Area 10), by means of cost reimbursement in the amount not to exceed \$450,000, as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

Attachments: [Agenda Cover Report](#)
[SFWMD Agreement 4600004144 v2-AWS Reclaimed Pipe Lines](#)
[DelrayBch_RWMainSW4thSt_AwardLtr_r1](#)
[Legal Review Checklist SFWMD re Construction of Reclaimed Water Main](#)

Approved.

- 6.S. [20-128](#) APPROVE A GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE PURCHASE AND INSTALLATION OF AUTOMATIC LINE FLUSHERS, IN THE AMOUNT NOT TO EXCEED \$40,000, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR WATER CONSERVATION.

Body: **Recommended Action:**

Recommendation: Staff is requesting City Commission to approve and execute grant agreement No. 4600004187 with the South Florida Water Management District (SFWMD) for providing supplementary funding for the purchase and installation of automatic water line flushers by means of cost reimbursement in the amount not to exceed \$40,000, as part of their Cooperative Funding Program for Water Conservation.

Attachments: [Agenda Cover Report](#)
[SFWMD Agreement 4600004187 - Water Conservation - Automatic Line Flushing Devices](#)
[Legal Review Checklist SFWMD re Automatic Flushers](#)

Approved.

6.T. PROCLAMATIONS:

- 6.T.1. [20-147](#) PROCLAMATION DESIGNATING THE MONTH OF MARCH AS FLORIDA BIKE MONTH IN DELRAY BEACH

Body: **Background:**

Florida Bicycle Month, celebrated each year in March, provides an opportunity for the City of Delray Beach to recognize the long history of welcoming bicycles whether for health, transportation, or recreational

purposes. A bicycle is a cost effective, efficient, sustainable, and fun way to move about Delray Beach; many people in Delray Beach use bicycles as part of a normal, everyday activity. Delray Beach is home to many shops and businesses that cater to bicyclists. The City of Delray Beach is committed to improving safety for people bicycling and joins other bodies throughout the State of Florida in celebrating Florida Bicycle Month.

During the afternoon of March 20, 2020, the S.D. Spady Elementary School will host a safety event in Honor of Jahlani Ware, the student who was killed on September 11, 2019 while bicycling on Northeast 1st Street by a person operating a front loader. The event, which is available to 3rd - 5th grade students at SD Spady Elementary School, is being held in collaboration with the City of Delray Beach Development Services Department and Police Department, Palm Beach Transportation Planning Agency (TPA), Human Powered Delray, and Delray Medical Center.

Helmets will be provided by Delray Medical Center. Bicycle safety materials will be handed out and safe driving pledges will be collected by the Palm Beach TPA. The Delray Beach Police Department and Human Powered Delray will teach bicycle safety to students and provide additional safety information. The City of Delray Beach Staff will discuss potential strategies to improve roads surrounding this school with staff and parents.

City Attorney Review:

N/A

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A

Attachments: [Agenda Cover Report](#)
[Bike Month Proclamation](#)

This Proclamation was approved.

6.T.2. [20-165](#) ALL PEOPLE'S DAY PROCLAMATION - MARCH 22, 2020

Body: Recommended Action:

Recommendation: Motion to declare All People's Day on March 22, 2020.

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

This Proclamation was approved.

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

- 6.U.1. [20-145](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 20, THROUGH FEBRUARY 14, 2020.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)
[Appealable Items Map - 3.3.2020](#)
[A - Tropic Bay Condo.; 2801 Florida Blvd.](#)
[B - 52 N. Swinton Ave.](#)
[C - 131 SE 7th Ave.](#)
[D - Proper Ice Cream; 75 SE 4th Ave.](#)
[E - Seed Word Space; 925 Linton Blvd.](#)
[F - Tzikas Medical Center; 518/526 SE 5th Ave.](#)

Approved.

6.V. AWARD OF BIDS AND CONTRACTS:

- 6.V.1. [20-131](#) APPROVAL OF RESOLUTION NO. 40-20 TO APPROVE AN AGREEMENT WITH BAXTER AND WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PURSUANT TO RFQ NO. 2019-051 (PROJECT NO. 16-095) - \$495,953

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 40-20 to award an Agreement with Baxter and Woodman, Inc. for Construction, Engineering and Inspection Services for the Osceola Park Neighborhood Improvements project pursuant to RFQ No. 2019-051 (Project No. 16-095) - \$495,953.

Attachments: [Agenda Cover Report](#)
[Executed Agreement - CEI Osceola Park](#)
[Exhibit A - Project Description](#)
[Exhibit B - Fee Estimate](#)
[Resolution No. 40-20 CEI Osceola Park BW](#)
[Legal Review Checklist CEI Services](#)
[Proposal Submitted - Baxter and Woodman](#)
[2019-051 Scoring Summary after Technical Evals final ranking](#)

Approved.

- 6.V.2. [20-134](#) APPROVAL OF RESOLUTION NO. 41-20 TO APPROVE AN

AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PURSUANT TO ITBC NO. 2020-004 (PROJECT NO. 16-095) - \$4,056,327

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 41-20 to award an Agreement with Ric-Man Construction, Inc. for Osceola Park Neighborhood Improvements project pursuant to ITBC No. 2020-004 (Project No. 16-095) - \$4,056,327.

Attachments: [Agenda Cover Report](#)

[Agreement Executed and Price Submittal - Osceola Park](#)

[Construction - Ric-Man](#)

[Res 41-20 Ric-Man Constr Inc \(1\)](#)

[Legal Review Checklist Ric-Man Construction Agreement Osceola Park](#)

[Ric-Man Construction Submittal Pkg](#)

[BidSync Bid Tabulation Report](#)

Approved.

6.V.3. [20-133](#)

APPROVAL OF RESOLUTION NO. 44-20 TO APPROVE AN AGREEMENT WITH INTERCOUNTY ENGINEERING, INC. FOR WATER MAIN SUBAQUEOUS CROSSINGS PURSUANT TO ITBC NO. 2020-005 (PROJECT NO. 17-156) - \$1,799,866

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 44-20 to award an Agreement with Intercounty Engineering, Inc. for Water Main Subaqueous Crossings pursuant to ITBC No. 2020-005 (Project No. 17-156) - \$1,799,866.

Attachments: [Agenda Cover Report](#)

[Executed Agrmt - Water Main Subaqueous Construction - Intercounty](#)

[Exhibit A - Complete Submittal - Intercounty ITBC 2020-005](#)

[Exhibit B - Price Schedule](#)

[Res 44-20 Intercounty Engineering](#)

[Legal Review Checklist Intercounty Engineering](#)

[Complete Submittal - Intercounty ITBC 2020-005](#)

[Tabulation Sheet](#)

Approved.

6.V.4. [20-136](#)

APPROVAL OF RESOLUTION NO. 58-20 TO APPROVE THE PURCHASE OF A NEW VAC-CON SEWER TRUCK FROM LOU BACHRODT FREIGHTLINER UTILIZING THE FLORIDA SHERIFF'S CONTRACT NO. FSA18 VEH-16.0 - \$484,327.00

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 58-20 for the purchase of a new

Vac-Con Sewer Truck from Lou Bachrodt Freightliner in an amount not to exceed \$484,327.00 utilizing the Florida Sheriff's Contract No. FSA18 VEH-16.0.

Attachments: [Agenda Cover Report](#)

[FSA18 VEH-16.0 Terms and Conditions](#)

[VacCon Quote-Lou Bachrodt Freightliner 1-13-20](#)

[Resolution No. 58-20](#)

Approved.

7. REGULAR AGENDA:

- 7.A. [20-112](#) RESOLUTION NO. 21-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO ESTABLISH A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES), KNOWN AS "7-ELEVEN AT VIA DELRAY" AT 13555 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 21-20, a request for Conditional Use approval for a gasoline station for a 7-Eleven located at 13555 South Military Trail.

Attachments: [Agenda Cover Report](#)

[Resolution 21-20 - 7-Eleven Conditional Use \(Gasoline Station w/Convenience Mart\)](#)

[PZB Staff Report - 7-Eleven Conditional Use](#)

[Location Map - 7-Eleven at Via Delray](#)

[Legal Review - Res 21-20 - 7-Eleven at Via Delray](#)

Mayor Petrolia read the City of Delray Beach Quasi-Judicial rules into the record. The Clerk swore in those individuals who wished to give testimony on items 7.A - 7.F

Mayor Petrolia asked the Commission to disclose their ex-parte communications for Resolution No. 21-20 and Resolution No. 22-20. There were none.

Anthea Gianniotis, Development Services Director, read item 7.A., Resolution No. 22-20 and item 7.B., Resolution No. 32-20 into the record. Ms. Gianniotis also read file numbers 2020-005 and 2020-061 into the record.

Josh Long, Certified Land Use Planner with Gunster Law Firm, 777 S. Flagler Drive, West Palm Beach, gave a brief presentation about the redevelopment project.

Anthea Gianniotis, Development Services Director gave a staff report presentation on the project.

Mayor Petrolia asked the public who were previously sworn in that wished to discuss this matter to come forward.

Public Comment:

Pauline Moody, Delray Beach, expressed concern that having a twenty-four-hour convenience store may attract criminal behavior.

Alice Finst, 707 Place Tavant, Delray Beach, stated that even though the surrounding trees may not be native, they are priceless and shouldn't be cut down.

There being no one else who wished to discuss this project, Mayor Petrolia closed the public comment.

There was no cross examination or rebuttal.

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Resolution 21-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.B. [20-113](#)

RESOLUTION NO. 22-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE 24-HOUR OPERATIONS AT A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES), KNOWN AS 7-ELEVEN AT VIA DELRAY, RELATED TO THE DEVELOPMENT OF A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 13555 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 22-20, a request for Conditional Use approval for a 24-hour or late night business for a proposed 7-Eleven located at 13555 South Military Trail.

Attachments: [Agenda Cover Report](#)

[Resolution 22-20 7-Eleven Conditional Use \(24-hour\)](#)

[Location Map - 7-Eleven at Via Delray](#)

[PZB Staff Report - 7-Eleven Conditional Use \(Gas Station & 24-Hour\)](#)

[Legal Review Resolution 22-20 - 7-Eleven at Via Delray](#)

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Resolution 22-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.C. [20-040](#)

RESOLUTION NO. 32-20: A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 7, AND 8 AT 541-571 W. LINTON BLVD (PCN 12-43-46-20-80-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 32-20, approving a temporary use permit for a temporary parking lot with waivers to Sections 2.4.6(F)(3)(e) 1, 3, 4, 7, and 8 of the Land Development Regulations for 541-571 W Linton Blvd.

Attachments: [Agenda Cover Report](#)

[Res 32-20 541-571 W Linton Blvd](#)

["Exhibit A" survey](#)

[Approved AND Proposed TempParking](#)

[Justification letter](#)

[PropertyDetail](#)

[Location Map](#)

[Simple Legal Review Approval 32-20](#)

Mayor Petrolia asked the Commission to disclose their ex parte communications. There were none.

Anthea Gianniotis, Development Services Director, entered file number 2020-072 into the record. This is a request for a temporary use permit for a temporary parking lot.

Michael Weiner, 6111 Broken Sound Parkway, Boca Raton, on behalf of Delray Village Shops Inc., gave a brief presentation on the temporary parking lot request.

Anthea Gianniotis, Development Services Director, gave a staff report presentation for Resolution No. 32-20.

Mayor Petrolia asked the public who were previously sworn that wished to discuss this matter to come forward.

Public Comment:

Ingrid Kramer, 760 SE 5th Avenue, Delray Beach, referenced LDR 2.4.7(b) (5) and expressed her concern for the neighboring area and the use of car alarms. She requested that the Commission put a limitation on noise pollution for this site.

There being no one else who wished to discuss this project, Mayor Petrolia closed the public comment.

Mike Greico, 2001 S. Federal Highway, Delray Beach, offered a rebuttal to Ms. Kramer's comments about the car alarms. He stated that there would be no car alarms sounding that would disturb the neighboring area.

City Attorney Gelin informed the Commission there was a typographical error on the agenda for Resolution No. 32-20; she stated the corrected expiration for the temporary use permit is March 2, 2021.

Attorney Gelin stated that if there was a consensus, she would include a loading and unloading clause, as well as a car alarm clause in the amended resolution.

A motion was made by Deputy Vice Mayor Bathurst, seconded by Commissioner Boylston, that Resolution 32-20 be approved as amended. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.D. [20-046](#)

RESOLUTION NO. 33-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 5, 7 AND 8 AT 2419, 2507, 2515, 2519, 2601, 2605 N. FEDERAL HWY (PCN 12-43-46-04-08-000-0310, 12-43-46-04-08-000-0320, 12-43-46-08-000-0330, 12-43-46-08-000-0340, 12-43-46-04-08-000-0352, 12-43-46-04-08-000-0351); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 33-20, approving a temporary use permit requires for a temporary parking lot with waivers at 2419, 2507, 2515, 2519, 2601, and 2605 N. Federal Hwy.

Attachments: [Agenda Cover Report](#)
[Res. No. 33-20](#)
[Survey "Exhibit A"](#)
[Approved AND Proposed TempParking](#)
[Justification letter](#)
[Location Map](#)
[Adoodleo Warrenty Deed](#)
[Simple Legal Review Approval 33-20](#)

This item was removed from the agenda per the applicant.

Withdrawn.

- 7.E. [20-062](#) RESOLUTION NO. 35-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE SETBACK REQUIREMENTS OF A MONUMENT SIGN TO LAND DEVELOPMENT REGULATIONS SECTION 4.6.7(E)(3)(a) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE MONUMENT SIGN AT 1660 S. CONGRESS AVENUE (PCN 12-43-46-19-36-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 35-20, granting a waiver to the setback requirements in Section 4.6.7(E)(3)(a) of the Land Development Regulations for the monument sign at 1660 S. Congress Avenue.

Attachments: [Agenda Cover Report](#)
[Res No. 35-20 1660 S. Congress Ave Sign Waiver](#)
[Res No. 35-20 Justification Statement](#)
[1660 S Congrss Ave Survey](#)
[1660 S Congress Site Plan](#)
[Simple Legal Review Res 35-20](#)

Mayor Petrolia asked the Commission to disclose their ex-parte communications with items 7.E. & 7.F. There were none.

Anthea Gianniotis, Development Services Director, stated that items 7.E. & 7.F. are inter-related as they both effect 1660 S. Congress Avenue. Ms. Gianniotis read file number 2020-74 into the record.

Mark Rickards, Kimley-Horn 1615 S. Congress Avenue, Delray Beach, representing the owner/ applicant, stated that he is present to give a brief

presentation and answer any questions.

Anthea Gianniotis, Development Services Director, gave a presentation on the two parts of the project, one being a waiver request for a sign setback and the other a temporary use permit for a temporary parking lot.

Mayor Petrolia asked the public who were previously sworn that wished to discuss this matter to come forward.

There being no one who wished to speak on this item, Mayor Petrolia closed the public comment. There was no cross examination or rebuttal.

Vice Mayor Johnson left the dais.

A motion was made by Deputy Vice Mayor Bathurst, seconded by Commissioner Boylston, that Resolution 35-20 be approved. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

Recused: 1 - Vice-Mayor Ervin Johnson

7.F. [20-059](#)

RESOLUTION NO. 36-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA GRANTING A WAIVER REQUEST FOR TO LAND DEVELOPMENT REGULATIONS 4.3.4(H)(6) (B)(4) AND (5) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE SPECIAL LANDSCAPE SETBACK ALONG LINTON BOULEVARD AND CONGRESS AVENUE AT 1660 S. CONGRESS AVENUE (PCN 12-43-46-19-36-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 36-20, granting a waiver to the Special Landscape Setback at 1660 S. Congress Avenue.

Attachments: [Agenda Cover Report](#)

[Res 36-20 1660 S Congress Ave Landscape Resolution Final](#)

[2019 12 23 Justification Statement](#)

[Survey](#)

[Site Plan](#)

[Landscape Plan](#)

[Simple Legal Review Res 36-20](#)

Vice Mayor Johnson left the dais.

A motion was made by Commissioner Frankel, seconded by Commissioner

Boylston, that Resolution 36-20 be approved. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

Recused: 1 - Vice-Mayor Ervin Johnson

7.G. [20-094](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Body: Recommended Action:

Recommendation: Motion to recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending July 14, 2021.

Attachments: [Agenda Cover Report](#)
[Delray Beach Housing Authority](#)
[Exhibit A](#)
[1. Abramson](#)
[2. Harold](#)
[3. McGinnis](#)
[4. Rainey](#)
[5. Townsend](#)

Vice Mayor Johnson left the dais.

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Robert Townsend's appointment to the Delray Beach Housing Authority Board be approved. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

Recused: 1 - Vice-Mayor Ervin Johnson

7.H. [20-122](#) NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment of one (1) alternate member to serve an unexpired term ending August 31, 2021.

Attachments: [Agenda Cover Report](#)
[Board of Adjustment](#)
[Exhibit A](#)
[1. Cullinan](#)
[2. Evans](#)

Commissioner Boylston deferred his appointment for the Board of Adjustment to the next meeting.

7.I. [20-174](#) CITY ATTORNEY'S MERIT INCREASE**Body: Recommended Action:**

Recommendation: Motion to consider the City Attorney's salary review.

Attachments: [Agenda Cover Report](#)

Commissioner Frankel requested that this item be heard first on the Regular Agenda. It became Item 7.A.A.

Duane D' Andrea, Human Resource Director, addressed the Commission about the City Attorney's merit increase. He stated that City Attorney Gelin would be receiving a 4.8 % merit increase based upon her performance evaluations conducted by the Mayor and City Commissioners for this past year.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Ervin Johnson, that the City Attorney's merit increase be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

8. PUBLIC HEARINGS:

8.A. [20-157](#) ORDINANCE NO. 18-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE V, "ELECTIONS," SECTION 5.02, "TYPES OF ELECTIONS," OF THE CITY OF DELRAY BEACH CHARTER PURSUANT TO SECTION 100.3605, FLORIDA STATUTES, TO AMEND THE DATE ON WHICH ELECTIONS FOR MUNICIPAL NONPARTISAN ELECTIONS MAY BE HELD FOR THE CITY OF DELRAY BEACH; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE V SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: Recommended Action:

Recommendation: Motion to approve Ordinance No. 18-20.

Attachments: [Agenda Cover Report](#)
[Ord 18-20 Elections](#)

City Attorney Gelin read Ordinance No. 18-20 into the record.

Mayor Petrolia opened up public comment and asked if anyone from the public wished to speak on Ordinance No. 18-20 to come forward.

Public Comment:

None.

A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Ordinance 18-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

9. FIRST READINGS:

- 9.A.** [20-106](#) ORDINANCE NO. 07-20: 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 FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY AMENDING SUBSECTION 4.4.13(B)(4), "REGULATING PLANS", "LIMITED HEIGHT AREAS"; AND, AMENDING FIGURE 4.4.13-A-2, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN", TO LIMIT THE HEIGHT OF PROPERTIES REZONED TO CENTRAL BUSINESS DISTRICT (CBD) FROM SINGLE-FAMILY RESIDENTIAL (R-1-A) WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 07-20 on First Reading, amendments to the Land Development Regulations Section 4.4.13, Central Business District (CBD), to establish a Limited Height Area and require lower height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district.

Attachments: [Agenda Cover Report](#)

[Ord No 07-20 WAN Limited Height Area](#)

[Ord No 07-20 PZB Staff Report](#)

[Legal Review Ord 07-20.docx](#)

City Attorney Gelin read Ordinance No. 07-20 into the record.

Anthea Gianniotis, Development Services Director, gave a presentation regarding the Central Business District. It was City initiated and is a text amendment.

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Ordinance 07-20 be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

9.B. [20-104](#)

ORDINANCE NO. 08-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE FROM LOW DENSITY (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 08-20 on First Reading, a Future Land Use Map amendment to redesignate approximately 0.752 acres of land from Low Density to Commercial Core, for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Attachments: [Agenda Cover Report](#)

[Ordinance 08-20 600 Block W Atlantic Ave FLUM](#)

[Ord No. 08-20 PZB Staff Report](#)

[Ord No. 08-20 Location Map](#)

[Ord No. 08-20 FLUM Maps \(Existing & Proposed\)](#)

[Ord No. 08-20 Applicant Justification Statement](#)

[Legal Review Ord 08-20 FLUM Amendment](#)

Attorney Gelin read items 9.B.(Ordinance No. 08-20) and 9.C.(Ordinance No.09-20) into the record.

Anthea Gianniotis read files 2019-264 and file 2019-265 into the record.

Tara Toto, Redevelopment Manager with the Delray Beach Community Redevelopment Agency was present and gave a presentation on the Land Use and Zoning Amendment outlined in these ordinances.

A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Ordinance 08-20 be approved on first reading. The motion carried

by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

9.C. [20-105](#)

ORDINANCE NO. 09-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD 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. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 09-20 on First Reading, to change the zoning designation of approximately 0.752 acres of land from Single-family Residential (R-1-A) to Central Business District (CBD), for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Attachments: [Agenda Cover Report](#)

[Ordinance 09-20 NW 600 Block Redevelopment Rezoning](#)

[Ord No. 09-20 Location Map](#)

[Ord No. 09-20 PZB Staff Report](#)

[Ord No. 09-20 Justification Statements](#)

[Ord No. 09-20 Zoning Maps \(Existing & Proposed\)](#)

[Legal Review Ord 09-20 Zoning Classification Amendment](#)

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Ordinance 09-20 be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

9.D. [20-123](#)

ORDINANCE NO. 16-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 57. RIGHT-OF-WAY

APPLICATION PROCESS FOR COMMUNICATIONS FACILITIES BY AMENDING SUB-SECTION Q OF SECTION 57.05; UPDATING SECTION 57.02 DEFINITIONS; AMENDING SECTION 57.12 CONSTRUCTION BOND; REPEALING SECTION 57.13 SECURITY FUND; AND AMENDING THE CODE OF ORDINANCES BY ADOPTING AN ENTIRELY NEW CHAPTER 58. TO BE ENTITLED "RIGHT-OF-WAY APPLICATION PROCESS FOR SMALL WIRELESS FACILITIES" TO IMPLEMENT REGULATIONS SET FORTH IN THE "ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT", CODIFIED AT SECTION 337.401(7), FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 16-20 on First Reading.

Attachments: [Agenda Cover Report](#)

[Delray Beach Ord 16-20 Final Regarding Wireless Facilities in RoW](#)

[Legal Review Ord 16-20 Small Cell Towers](#)

City Attorney Gelin read Ordinance 16-20 into the record.

Assistant City Attorney William Bennett gave a brief summary on some amendments that happened within state statutes in 2017 pertaining to the broad discretion that local municipalities had to regulate the small wireless towers. This ordinance will further regulate this process with the amendments.

A motion was made by Commissioner Boylston, seconded by Vice-Mayor Ervin Johnson, that Ordinance 16-20 be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

Mural ordinance is complete and will be presented to the Commission soon.

C. City Commission

Commissioner Boylston made the following comments:

- Inquired about the Overlay Project District.
- Update from FDOT regarding Swinton 4th-10th project. It will be done this week.

Vice Mayor Johnson made the following comments:

- Congratulated the City's management and Police Department for providing safety for the City's employees during the Delray Open.
- Handed out information to the Commission on "General Obligation Bonds".

Deputy Vice Mayor Bathurst made the following comments:

- Stated that he was going to bring up the Swinton Project too.
- Tonight's consent agenda extended the valet parking by six months.
- Looking at a tree overlay for the Palm Trail area.
- Comp plan was passed.

Attorney Gelin stated there is a meeting scheduled for April 21st, 2020 regarding the Comprehensive Plan and that the Tree Fund Canopy could be added to that meeting as well.

Mayor Petrolia made the following comments:

- Asked for a consensus in doing something for Ernie Simon, possibly at the Playhouse.
- Also asked for a consensus in honor of the passing of Jeanne Dubin (Chris Everett's sister), to name the upstairs clubhouse of the Tennis Center after her, alongside her husband's name.
- Inquired on early voting.
- Discussed Angie Gray's comments about naming Pompey Park after Coco Gauff.
- Stated that there was a misconception that she didn't support on the Dune Management Program.
- Catching up on the Commission minutes.

With no further business to discuss, Mayor Petrolia adjourned the meeting at 6:28 p.m.