

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com



Minutes - Draft

Tuesday, September 22, 2020

4:00 PM

2nd Budget Public Hearing/Regular Meeting at 4:00 PM

Virtual Meeting

City Commission

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

1. ROLL CALL

The Regular Commission Meeting was called to order at 4:00 p.m.

The roll call was taken by City Clerk Katerri Johnson. The following were present:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Others present:

Interim City Manager, Jennifer Alvarez

City Attorney, Lynn Gelin

City Clerk, Katerri Johnson

Deputy Vice Mayor Johnson requested to pull item 6.Q.1. from the Consent Agenda for discussion. Item 6.Q.1. became item 7.A.A. on the Regular Agenda.

Deputy Vice Mayor Johnson motioned to approve the agenda as amended. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. RESOLUTION NO. 86-20 RECOGNIZING JANET MEEKS FOR 30 YEARS OF SERVICE

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 86-20 honoring Janet Meeks for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Resolution 86-20 Janet Meeks](#)

Mayor Petrolia read Resolution No. 86-20 into the record. The Commissioners and City Staff recognized and commended Janet Meeks for her 30 years of service.

4.B. PRESENTING LATOYA JOHNSON, CUSTOMER SERVICE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2020.

Body: Recommended Action:

Recommendation: Motion to present LaToya Johnson, Customer Service Assistant, with Employee of the Month for February 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Employee of Month \(February\) - LaToya Johnson.pdf](#)

Samuel Metott, Director of Parks and Recreation, recognized LaToya Johnson as employee of the month. Mr. Metott shared a story highlighting Ms. Johnson's character and her dedication to the City. Due to the meeting proceeding virtually Mr. Metott accepted the award on Ms. Johnson's behalf.

4.C. PRESENTING CAPTAIN SEAN GIBSON, FIRE FIGHTER, WITH EMPLOYEE OF THE MONTH FOR MARCH 2020.

Body: Recommended Action:

Recommendation: Motion to present Captain Sean Gibson, FIRE FIGHTER, with Employee of the Month for March 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Employee of the Month \(March\) - Sean Gibson.pdf](#)

Assistant Fire Chief Kevin Green recognized Captain Sean Gibson as employee of the month. He gave a few words about Mr. Gibson's bravery in medical emergencies and disaster relief efforts. Mr. Gibson accepted his award and received eight hours off with pay.

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

Interim City Manager Alvarez requested direction from the Commission regarding the Bar applications for temporary change of use. There was an inquiry if the \$50 application fee could be waived.

There was consensus to allow Interim City Manager Alvarez to waive the fee.

Mayor Petrolia expressed her concern about the rumors regarding the City defunding the police. She worked with Chief Sims to address the misinformation and released a statement to the public.

Further discussion ensued about State Representative Caruso's actions and the rumors related to defunding the police and water quality.

Commissioner Frankel asked for a consensus to request an independent agency to investigate Mayor Petrolia's directives towards City Staff outside of Commission meetings. Additionally, the Commissioner's discussed Mayor Petrolia's campaign emails.

There was consensus to conduct an ethics investigation on Mayor Petrolia.

B. From the Public

Daniel Valdez, residing at 520 NW 1st Avenue, expressed concern about his neighbor who rents out her house on weekends. There was an incident of 30-40 college students partying at the house. These students did not wear masks and caused commotion at 3:30 a.m. There have been other similar incidents that have taken place at his neighbor's home. He requested the Commission to act on this recurring issue.

Gerard Dariano, residing at 505 NW 1st Avenue, reported that his neighbor has been renting out her home to large groups throughout the pandemic. Police have visited the home on several occasions. Mr. Dariano and other neighbors have tried to address the issue with the homeowner. However, after many conversations she continues to rent out the home.

Sue Tauriello, residing at 927 Bolender Drive, requested the Commission to take a second look at Item 9.B. regarding requirements for ground floor retail regulations in Waterway East. She asked that the area be relieved from being designated as a retail zone.

Amy Thor, residing at 700 Audubon Blvd, stated that she did not want the City to open prematurely during the pandemic.

Jeff Costello, of JC Planning Solutions, 981 Delray Lakes Drive, spoke about Item 9.B. on behalf of Waterway East regarding requirements for ground floor retail regulations. He asked the Commission to exempt the retail requirement for office use on the ground floor.

Korin Thor, residing at 3905 Arelia Drive North, asked the Commissioners to keep the City closed during the pandemic. Ms. Thor felt that cases would increase and hinder the City by opening now.

Brenda Keelies, President of Waterway East Board of Directors and

owner of Private Jewelers, located at 900 E. Atlantic Avenue, #15, Delray Beach, FL 33483. Ms. Keelies commented on Item 9.B. regarding requirements for ground floor retail regulations. She stated that she opened Private Jewelers 13 years ago. She believes that the Waterway East property cannot survive by being strictly designated for retail.

Katerri Johnson, City Clerk, stated that there were no more public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Boylston motioned to approve the consent agenda as amended. It was seconded by Deputy Vice Johnson. The motion carried by the following vote:

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

6.A. FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY

Body: Recommended Action:

Recommendation: Motion to approve renewal of Property, Excess Liability and Excess

Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,374,080 for the coverage period 10/1/2020 through 9/30/2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[FMIT Renewal of Property Insurance Policy Memo](#)

[FMIT Quote Comparison](#)

[FMIT Premium Summary](#)

[FMIT Market Summary](#)

[Resolution for Property Insurance](#)

6.B. EXTENSION FOR THE 2019-2020 STATEWIDE SCHOOL READINESS PROVIDER CONTRACT WITH THE CHILDREN SERVICES COUNCIL (CSC) FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY CENTER WITH THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY, INC.

Body: Recommended Action:

Recommendation: Motion to approve School Readiness extension for contract year 2019-2020 fiscal year due to the state of emergency caused by the COVID-19 pandemic which resulted in delays in the Coalition's and the

City's ability to fulfill certain requirements to execute the 2020-2021 Statewide School Readiness Contract prior to June 30, 2020.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Legal Review School Readiness Extension of 2019 Agreement](#)

[SchoolReadiness contract Extension2019](#)

6.C. GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN & BICYCLE SAFETY

Body: **Recommended Action:**

Recommendation: Motion to approve the application and award from the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form FDOT Bicycle High visibility grant lw](#)

[City of Delray Beach PD Approved Contract 18Aug2020 with signature blocks](#)

6.D. STATE AND LOCAL TASK FORCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)

Body: **Recommended Action:**

Recommendation: Motion to approve a State and Local Task Force Agreement with Drug Enforcement Administration (DEA).

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[State and Local Task Force FY 20 lw 9 3 20](#)

[Legal Review Checklist LW 20 - DEA Task Force 2020](#)

6.E. CORONAVIRUS RELIEF FUNDS (CRF) SUBRECIPIENT AGREEMENT AMENDMENT 1 - FLORIDA HOUSING FINANCE CORPORATION (FHFC)

Body: **RECOMMENDATION:**

Recommendation: Motion to authorize and approve the First Amendment to CRF Subrecipient Agreement 113-2020 between the City of Delray Beach and Florida Housing Finance Corporation (FHFC) for a total amount of \$387,544 for rental and mortgage assistance payments or emergency repairs for income eligible persons who have experienced hardships related to the COVID-19 emergency.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist First Amendment to Agreement No. 113-2020](#)
[113-2020 - Amendment 1](#)
[CRF Executed Subrecipient Agreement](#)

- 6.F.** APPROVING AMENDMENT #2 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 TWO YEARS 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 #2 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 October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--Caffe Luna Rosa](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.G.** APPROVING AMENDMENT #2 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 TWO YEARS 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 October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Amendment no. 2--CUT 432](#)
[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

- 6.H.** APPROVING AMENDMENT #2 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 TWO YEARS 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 #2 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 October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Amendment no. 2--Delray Taco](#)

[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

6.I. *APPROVING AMENDMENT #2 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 TWO YEARS 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 #2 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 October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Amendment no. 2--Elisabettas](#)

[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

6.J. *APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET
PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC,
LLC PROVIDING VALET PARKING SERVICES TO EXTEND FOR TWO
YEARS 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 #2 to the October 1, 2019 Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from October 1, 2020 until

September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Amendment no. 2--Taverna Opa](#)

[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

6.K.

APPROVING AMENDMENT #2 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH THE GROVE HOSPITALITY GROUP, LLC, PROVIDING VALET PARKING SERVICES TO EXTEND FOR TWO YEARS 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 October 1, 2020 until September 30, 2022.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Amendment no. 2--the Grove](#)

[Simple Legal Review Approval - Amend No 2 to Valet License Agreements](#)

6.L.

DEDICATION OF A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR 223 NE 12th St. (ITEM A1) AND ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR 301 NE 8TH AVE (ITEM B1).

Body: **Recommended Action:**

Recommendation: Consideration of the following items:

UTILITY EASEMENT DEDICATION(S)

Item A1 - Motion to approve the dedication of a Utility Easement to Florida Power and Light for 223 NE 12th St. from the City of Delray Beach.

RIGHT-OF-WAY DEED(S)

Item B1 - Motion to approve and accept a Right-of-Way Deed for 301 NE 8th Ave. to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item \(1\) Legal Review\(s\)](#)

[Item \(A1a\) Underground Easement \(Business\) 223 NE 12th St.](#)

[Item \(A1b\) Exhibit A Sketch - 223 NE 12th St.](#)

[Item \(B1a\) ROW Deed 301 NE 8th Ave](#)

[Item \(B1b\) Exhibit A Sketch - 301 NE 8th Ave.](#)

6.M.

MOTION TO RATIFY CHANGE ORDER NO. 2 WITH HENRY SCHEIN, INC. FOR MEDICAL SUPPLIES IN THE AMOUNT NOT TO EXCEED \$35,000

Body: Background:

The Fire Rescue Department is responsible for providing emergency medical services to the citizens and visitors of the City of Delray Beach. During the course of treatment, medical supplies are consumed that need to be replaced. The department is also the central purchaser of COVID-19 supplies, e.g., surgical masks, hand sanitizer, disinfectant wipes, gloves, etc., used by all City departments.

In accordance with the City's Purchasing Policies and Procedures Manual, on January 14, 2020, the City issued a Blanket Purchase Order in the amount of \$50,000 to Henry Schein, Inc. for medical supplies on an as needed basis. On June 11, 2020, Change Order No. 1 was issued to the Purchase Order to add \$14,750, for a total cumulative Purchase Order total of \$64,750 for additional medical supplies.

On August 5, 2020, Fire Rescue Department staff became aware that, unbeknownst to them, COVID-19 related items ordered months ago and that were backordered were released causing them to exceed the amount authorized by the Purchase Order.

This motion seeks to ratify Change Order No. 2 to increase the existing Purchase Order in the amount not to exceed \$35,000, for a revised Purchase Order total of \$99,750 contingent on appropriation of funds.

The Purchasing Policies and Procedures manual provides that the City Commission must authorize the award of any contract where the cumulative value of the initial term of the contract and any option to renew terms will exceed \$65,000.

This motion is in accordance with Code of Ordinances Section 36.02 Commission Approval Required.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Funding is available from account number: 001-22-150-526.52-15.

Recommendation: **Recommended Action:**

Motion to Ratify Change Order No. 2 for additional medical supplies from approval with Henry Schein, Inc., in the not to exceed amount of \$35,000.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Henry Schein Outstanding Invoices 08-28-20](#)

6.N.

APPROVAL OF INCREASE IN THE AMOUNT OF \$100,000 PER CONTRACT TERM WITH AQUIFER MAINTENANCE AND PERFORMANCE SYSTEMS, INC., FOR WELLFIELD MAINTENANCE SERVICES FOR THE UTILITIES DEPARTMENT.

Body: **Recommended Action:**

Recommendation: Motion to approve an increase of \$100,000 per contract term for a total estimated contract amount of \$1,875,000 with Aquifer Maintenance and Performance Systems, Inc. for wellfield maintenance services for the Utilities department.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[P2018-011 Wellfield Maintenance Agreement Executed \(1\) Res 24-18](#)

[AMPS Renewal](#)

6.O. PROCLAMATIONS:

6.O.1. None

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

6.P.1. None

6.Q. AWARD OF BIDS AND CONTRACTS:**6.Q.1.**

APPROVAL OF RESOLUTION NO. 39-20 TO RATIFY AN AGREEMENT WITH SAFETY PRODUCTS, INC. FOR THE PURCHASE OF SAFETY SUPPLIES AND EQUIPMENT PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO THE EMERGENCY PURCHASING AND PROCUREMENT PROCEDURES OUTLINED IN RESOLUTION 76-20 AS WELL AS CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 39-20 to ratify an agreement with Safety Products, Inc. for Safety Supplies and Equipment previously executed by the City Manager pursuant to the emergency purchasing and procurement procedures outlined in Resolution 76-20 as well as Chapter 95 of the Delray Beach Code of Ordinances in the estimated amount of \$200,000; and authorize the City Manager to approve renewal options in the amounts below, contingent upon appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[City of Delray Beach Agreement](#)

[Resolution CA Approved Piggyback 2020-013 Plantation Safety and First Aid Supplies ITB No 1q rev \(002\)](#)

[Legal Review Checklist Safety Products piggyback safety first aide products](#)

This item was pulled for discussion. It became item 7.A.A. on the regular agenda. Interim City Manager Alvarez explained that due to the absence of Commission Meetings in March and April, a resolution was passed administratively to allow some emergency contracts to be awarded. Resolution No. 39-20 would provide safety equipment for staff as needed.

Deputy Vice Mayor Johnson motioned to approve Resolution No. 39-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

6.Q.2.

APPROVAL OF RESOLUTION NO. 65-20 TO RATIFY AN AGREEMENT WITH TANNER INDUSTRIES, INC. FOR ANHYDROUS AMMONIA PREVIOUSLY EXECUTED BY THE CITY MANAGER PURSUANT TO THE EMERGENCY PURCHASING AND PROCUREMENT PROCEDURES OUTLINED IN RESOLUTION 76-20 AS WELL AS CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 65-20 to ratify an agreement with Tanner Industries, Inc. for the purchase and delivery of anhydrous ammonia previously executed by the City Manager pursuant to the emergency purchasing and procurement procedures outlined in Resolution 76-20 as well as Chapter 95 of the Delray Beach Code of Ordinances in the estimated amount of \$58,000; and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Executed Tanner Industries Inc](#)

[Resolution CA Approved Piggyback 2020-013 Plantation Safety and](#)

[First Aid Supplies ITB No Iq rev 9-8-2020 \(002\)](#)
[Legal Review Checklist Tanner Agreement](#)

6.Q.3. APPROVAL OF RESOLUTION NO. 136-20 A CITY STANDARD TO AWARD AN AGREEMENT WITH MUNICIPAL CODE CORPORATION FOR CODIFICATION SERVICES \$39,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 136-20 a City Standard to award an Agreement in the amount of \$39,000 with Municipal Code Corporation, for codification services for the City Clerk's Office for the Agreement term and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: City Clerk Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Municode](#)
[City Standard Approval - Municode it signed 8.17](#)
[136-20 Resolution Award of Agreement \(003\)](#)
[Municode executed Agreement](#)

6.Q.4. APPROVAL OF RESOLUTION NO. 153-20 TO AWARD AN AGREEMENT TO FLORIDA CDI, LLC TO PURCHASE SERVICES RELATED TO ASSEMBLY/DISASSEMBLY OF CHRISTMAS TREE AND NORTH POLE VILLAGES PURSUANT TO INVITATION TO BID (ITB) 2020-033, (PROJECT NUMBER 17-062) - \$927,500

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 153-20 to award an Agreement with Florida CDI, LLC for assembly/disassembly of Christmas Tree and North Pole Villages in an estimated amount of \$927,500 through September 21, 2025, of which \$185,500 is budgeted for FY 2020, pursuant to Invitation to Bid (ITB) 2020-033 (Project Number 17-062); and authorizing the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Florida CDI Resolution](#)
[2020-033 Assembly Disassembly of Christmas Tree Revised](#)
[Agreement for Christmas Assembly and Disassembly](#)
[Legal Review Checklist Assembly and Disassembly of Christmas Tree and North Pole Village](#)

6.R. MINUTES:

6.R.1. CITY COMMISSION MEETING MINUTES

Body: **Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below:

July 14, 2020 Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[July 14, 2020 City Commission Workshop Meeting Minutes](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 161-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.13(D)(2)(a) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A FOUR-FEET EIGHT-INCH FRONT SETBACK ON THE EAST SIDE, A ONE-FOOT SIX-INCH FRONT SETBACK ON THE NORTH SIDE, AND A ONE-FOOT EIGHT-INCH REAR SETBACK ON THE WEST SIDE FOR THE EXISTING BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 162-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(E)(4)(e)(1)(d) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE STOREFRONT TRANSPARENT GLAZED WINDOWS OF THE EXISTING BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, TO EXTEND FROM THE BASE TO SEVEN FEET TWO INCHES ON THE EAST AND NORTH SIDES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL).

RESOLUTION NO. 163-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.13(E)(4)(e)(1)(b) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING STOREFRONT OPENINGS OF SEVENTY-FIVE PERCENT OF THE WIDTH OF THE FAÇADE ON THE EAST SIDE AND SIXTY-TWO PERCENT OF THE WIDTH OF THE FAÇADE ON THE NORTH SIDE OF THE BUILDING LOCATED AT 98 NORTHWEST FIFTH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(QUASI-JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution Nos. 161-20, 162-20, and 163-20, granting waivers related to setbacks and storefront requirements in LDR Section 4.4.13 for an existing building located at 98 NW 5th Avenue.

Setback Waiver Requests:

The setback waiver requests are from City of Delray Beach Land Development Regulations (LDR) Section 4.4.13(D)(2)(a) and Table 4.4.13(C), for properties zoned Central Business District within the West Atlantic Neighborhood Sub-district, which requires front and side street setbacks of a minimum of 10 feet and maximum of 15 feet, and a setback of 10 feet in the rear. The request are:

1. Reduce the front setback to a range of 4 feet 2 inches to 4 feet 8 inches on the east side of the property;
2. Reduce the side street setback to a range of 1 foot 6 inches to 9 feet on the north side of the property; and,
3. Reduce the rear setback to a range of 1 foot 8 inches to 3 feet 8 inches, on the west side of the property.

Storefront Glazing Heights Requirement Waiver:

The storefront glazing setback waiver requests are from LDR Section 4.4.13(E)(4)(e)1.d., which requires a minimum storefront glazing height of 8 feet for properties zoned CBD. The request is:

1. Reduce the required storefront glazing height to 7 feet 2 inches on the front (east) and side street (north) sides of the existing building.

Storefront Opening Percentage:

The storefront opening waiver requests are from LDR Section 4.4.13(E)(4)(e)1.b., which sets forth requirements for the minimum percentage of required façade storefront openings for properties zoned CBD. Storefront openings shall extend along at least 80 percent of the width of the façade of the commercial space. The request is:

1. Reduce the required storefront opening percentage to 75 percent on the east side of the existing building and 62 percent on the north side of the existing building.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. 161-20 98 NW 5th Ave Setback Waiver](#)

[Res. 161-20-Exhibit A Setback Waiver](#)

[Res. 162-20-98 NW 5th Ave Glazing Waiver](#)

[Res. 162-20-Exhibit A Window Glazing Waiver](#)

[Res. 163-20- Storefront Percentage](#)

[Res. 163-20-Exhibit A Storefront Percentage Waiver](#)

[Waiver Justification- 98 NW 5th Ave-2020-09-22](#)

[Legal Review Reso 161-20 CRA Waiver Setback](#)

[Legal Review Reso 162-20 CRA Glazing Storefront Waiver](#)

[Legal Review Reso 163-20 CRA Storefront Openings Size Waiver](#)

[HPB Waiver Staff Report-98 NW 5th Ave](#)

[Photographs-98 NW 5th Ave](#)

[Plans-98 NW 5th Ave](#)

Mayor Petrolia read the Quasi Judicial rules into the record. She asked the Commission for ex-parte communications, and the following was disclosed:

Deputy Vice Mayor Johnson: None

Vice Mayor Boylston: None

Commissioner Casale: None

Commissioner Frankel: None

Mayor Petrolia: None

City Clerk Katerri Johnson swore in Manny Synalovski who gave testimony on this item.

Anthea Gianniotas, Development Services Director, entered File No. 2019-251 into the record.

Mr. Synalovski, 1800 Eller Drive Suite 5 Fort Lauderdale, presented the project on behalf of the applicant, Delray Beach Community Redevelopment Agency (CRA). He requested three waivers to repurpose the two-story structure located in the West Settlers Historic District.

Ms. Gianniotas gave a presentation overviewing the proposed waivers and setbacks. She informed the Commissioners the Historic Preservation Board voted 6-0 on September 2, 2020, in favor of approving the West Settlers Historic District improvements.

There was a five-minute recess from 5:32 p.m. - 5:37 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted. There was no cross-examination or rebuttal pertaining to the presentation.

Vice Mayor Boylston motioned to approve Resolution No. 161-20. It was seconded by Deputy Vice Mayor Johnson. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston motioned to approve Resolution No. 162-20. It was seconded by Commissioner Casale. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston motioned to approve Resolution No. 163-20. It was seconded by Commissioner Casale. The vote was taken, and the motion carried 5-0.

7.B.

RESOLUTION 172-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 7.10.5(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING ADDING THE CITY AS AN ADDITIONAL INSURED TO THE POLICY FOR THE PROPERTY LOCATED AT 1120 NASSAU STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 172-20 granting waivers to LDR

Section 7.10.5(D) to waive the requirements for a Surety Bond or Letter of Credit for the relocation of an existing historic structure and accept listing the City as an additional insured to the policy for the property located at 1120 Nassau Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 172-20 1120 Nassau Street.docx](#)

[HPB Staff Report-1120 Nassau Street-2019-09-05](#)

[1. Applicant Waiver Request Letter](#)

[2. Applicant Justification](#)

[3. Bond Denial Letter](#)

[4. Luciano AI Letter](#)

[5. Luciano CCC Letter](#)

[6. Merrill Lynch Email](#)

[7. Brownie Contract](#)

[8. Brownie Insurance Policy](#)

[9. Brownie Structural AI Endorsement](#)

[10. Brownie Structural CCC Endorsement](#)

City Attorney Gelin explained the background of Mr. Luciano's waiver request.

Mayor Petrolia asked for ex-parte communications from her colleagues.

The following was disclosed:

Mayor Petrolia: Communicated with City Attorney Gelin.

Vice Mayor Boylston: Communicated with City Attorney Gelin.

Deputy Vice Mayor Johnson: Communicated with City Attorney Gelin.

Commissioner Frankel: Communicated with City Attorney Gelin.

Commissioner Casale: Communicated with City Attorney Gelin.

City Attorney Gelin entered File 2019-194 into the record.

Mr. Charles Luciano, 120 Nassau Street, explained to the Commission that his home was damaged in a fire. He requested the Commission to approve a waiver which would allow him to shift the building to fix the damage to the foundation and preserve the historic structure of his home.

City Attorney Gelin and Ms. Gianniotis provided a synopsis of the project and how it specifically relates to the waiver.

City Clerk Katerri Johnson swore in Mr. Luciano who gave testimony on the item.

There was a five-minute recess from 5:50 p.m. - 5:55 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted. There was no cross-examination or rebuttal pertaining to the presentation.

Commissioner Casale motioned to approve Resolution No. 172-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

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

Body: Recommended Action:

Recommendation: Motion to Ratify the 21st, 22nd, 23rd, 24th, 25th and 26th Extensions of the State of Emergency for COVID -19 and Resolution Number 122-20, Resolution Number 129-20; Resolution Number 144-20; Resolution Number 151-20; Resolution Number 154-20, Resolution Number 158-20 and Resolution Number 159-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[21st Extension Emergency Declaration - COVID -19](#)

[22nd Extension Emergency Declaration - COVID -19](#)

[23rd Extension Emergency Declaration - COVID-19](#)

[24th Extension Emergency Declaration - COVID -19](#)

[25th Extension Emergency Declaration - COVID -19](#)

[26th Extension Emergency Declaration - COVID -19](#)

[Reso. No. 122-20 COVID -19](#)

[Reso. No. 129-20 - COVID 19 \(Extending Directives on Wearing of Facial Coverings\)](#)

[Reso. No. 144-20 - COVID repealing 130-20 Proving Restrictions on operating hours of restaurants...](#)

[Reso. No. 151-20 - COVID 19 Amending Reso 75-20 to provide for re-opening of Certain Recreational Facilities and Parks](#)

[Reso. No. 154-20](#)

[Reso. No. 158-20](#)

[Reso. No. 159-20-COVID 19 - Phase 2 Re-opening](#)

Commissioner Casale motioned to approve the ratification of the Extensions of the State of Emergency for COVID-19 Resolutions. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

7.D. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND

APPEARANCE BOARD

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Site Plan Review and Appearance 9-22-20](#)

[09-22-2020 Exhibit A](#)

[2020 QUARTERLY ATTENDANCE-1st 2nd qtr](#)

[Cabana](#)

[Cherelus](#)

[Clark](#)

[Jones](#)

[Padover](#)

[Warner](#)

[Youngblood](#)

Mayor Petrolia nominated Andreka Youngblood to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried by the following vote:

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

7.E. NOMINATION FOR THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for a three (3) year term ending June 30, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Downtown Development Authority Member List 2020 2](#)

[2019-2020 Year DDA Board Attendance Record](#)

[Exhibit A 09-22-20](#)

[Boundary Map](#)

[Adamo](#)

[Catania](#)

[Clark](#)

[Devitt](#)

[Evans](#)

[Frione](#)

[McGinnis](#)

[Padover](#)

[Pellegrino](#)

[Sefer](#)

[Smith](#)

[Sylvestre](#)

[Warner](#)

[Zirilli](#)

Commissioner Frankel nominated Frank Frione to the Downtown Development Authority Board. It was seconded by Commissioner Casale. The vote was taken, and the motion carried by the following vote:

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

7.F. DISCUSSION OF NEW REGULATION TO APPOINT AN ELECTED

OFFICIAL TO SERVE ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE.

Body: **Recommended Action:**

Recommendation: Motion to appoint an elected official to serve on the Affordable Housing Advisory Committee (AHAC)

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

[Res 05-12](#)

[Resolution 12-08](#)

Ferline Mesidort, Neighborhood Services Administrator, explained that the Florida Housing Finance Corporation requires an elected official to serve on the Affordable Housing Advisory Committee. The elected official would need to be selected by October 1, 2020. The Affordable Housing committee meets once every four months.

Commissioner Frankel made a motion to appoint Vice Mayor Boylston to the Affordable Housing Advisory Committee. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

7.G.

APPROVAL OF 2021 THROUGH 2025 CAPITAL IMPROVEMENT PROGRAM BUDGET

Body: **Recommended Action:**

Recommendation: Motion to approve Capital Improvement Program (CIP) Budget for 2021 through 2025.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[FY 2021-2025 CIP FINAL](#)

Commissioner Casale inquired about the route of Barwick Bicycle improvement project.

Missie Barletto, Public Works Director, informed the Commissioners that staff requested the Florida Department of Transportation to move the project to a future year. The project would be partially funded by the Transportation Planning Agency.

Commissioner Casale made a motion to approve the Capital Improvement Plan Budget for 2021 - 2025. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

7.H. **CONSIDERATION OF AMENDMENT NO. 1 TO THE PARKING FACILITY AND EASEMENT AGREEMENT AND PROJECT COVENANT FOR THE 4TH AND 5TH DELRAY (IPIC), SPECIFICALLY REMOVAL OF THE REQUIRED CORPORATE HEADQUARTERS RELOCATION AND PUBLIC TERRACE AREA.**

Body: Recommended Action:

Recommendation: Motion to approve Amendment No. 1 to the Parking Facility Easement and Agreement and Project Covenant subject to approval by the Community Redevelopment Agency ("CRA").

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Parking Facility Easement Agreement and Project Covenant - March 3 2017](#)

Mr. Neil Schiller, Attorney of Saul, Ewing, Arnstein, and Lehr, presented on behalf of Delray 4th and 5th avenue. He provided an overview about the City's agreement with IPIC movie theater. Due to IPIC movie theater filing for bankruptcy, he requested the Commissioner's to revise the public terrace and eliminate the parking maintenance payments until 2021 in the Community Redevelopment Agency (CRA) agreement.

These changes in the agreement would allow new corporations to utilize the building as their headquarters.

Renee Jadusingh, Executive Director of the Community Redevelopment Agency, informed the commissioners that she was in favor of the agreement.

City Attorney Gelin explained the considerations involved in the agreement and requested direction related to the headquarters' contract language.

There was consensus to change the language in the agreement to state that one corporate or regional headquarters would need to be in the building.

Vice Mayor Boylston made a motion to approve the new language in the agreement and to approve Amendment No. 1. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 155-20: FINAL MILLAGE LEVY**

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 155-20 Final Millage Levy for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 155-20 FINAL MILLAGE LEVY FY 2021](#)

City Attorney Gelin explained the millage levy rate resolution.

There was a five-minute recess from 6:28 p.m.- 6:33 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted.

Vice Mayor Boylston motioned to approve resolution No. 155-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice-Mayor Boylston, and Commissioner Casale

No: 1 - Commissioner Frankel

8.B. RESOLUTION NO. 156-20: FINAL MILLAGE LEVY/DDA

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 156-20 Final DDA Millage Rate for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 156-20 FINAL MILLAGE DDA](#)

City Attorney Gelin read Resolution No. 156-20 into the record.

There was a five-minute recess from 6:37 p.m.- 6:42 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted.

Vice Mayor Boylston made a motion to approve Resolution No. 156-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

8.C. RESOLUTION NO. 157-20: FINAL BUDGET ADOPTION FOR FY 2021

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 157-20 Final Budget Adoption for FY 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[2021 Final Hearing - Exhibit A Budget Summary v2](#)

[Resolution 157-20 Final Budget Adoption - REVISED 9.17.20](#)

City Attorney Gelin read Resolution No. 157-20 into the record.

There was a five-minute recess from 6:44 p.m.- 6:49 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted.

Commissioner Casale questioned why the overtime hours in the Fire Department budget were not cut.

Chief Tomey explained that the overtime hours were kept due to safety inspections and other factors.

Further discussion ensued among the Commissioners and City Attorney Gelin regarding the budget process complying with the City Charter.

Deputy Vice Mayor Johnson made a motion to approve Resolution No. 157-20 to adopt the final budget for the fiscal year of 2021. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8.D.

ORDINANCE NO. 51-20: APPROVAL OF A MODIFICATION OF THE FEE SCHEDULE IN ORDINANCE 96.66 TO PROVIDE FOR AN INCREASE IN FEES FOR EMERGENCY MEDICAL TRANSPORTS (SECOND READING)

Body: Recommended Action:

Recommendation: Staff recommends the approval of the modifications to the fee schedule in city ordinance 96.66 to provide for additional revenue to be collected for emergency medical transport fees.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Ord 51-20 Amending Sec 96.66 EMT Fees](#)

[Sec. 96.66. EMERGENCY MEDICAL TRANSPORTATION FEES](#)

[.\(1\)](#)
[Legal Review Checklist](#)

City Attorney Gelin read Ordinance No. 51-20 into the record.

There was a five-minute recess from 7:03 p.m.- 7:08 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted.

Vice Mayor Boylston made a motion to approve Ordinance No. 156-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

8.E.

ORDINANCE NO. 19-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider at second reading Ordinance No. 19-20, a City-initiated Land Use Map (LUM) amendment from Transitional (TRN) land use to General Commercial (GC) land use.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 19-20-O'Reilly Land Use Map Amendment](#)

[O'Reilly Auto Parts-PZB Staff Report](#)

[O'Reilly Auto Parts-Land Use Maps](#)

[Legal Review Ord 19-20 Amending FLUM for O'Reilly Auto Parts.docx](#)

City Attorney Gelin read Ordinance No. 19-20 into the record.

Anthea Gianniotis, Development Services Director, informed the Commissioners items 8.E. and 8.F regarding the land use amendments

are interrelated and passed first reading on August 11, 2020.

Mr. Adam Schildmeier, of WGI 2035 Vista Parkway, West Palm Beach, representing O'Reilly Auto Parts, applicant, was present to answer any final questions related to the project.

There was a five-minute recess from 7:12 p.m.- 7:17 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson, played the following public comments:

George Genevieve, residing in the Sierra Vista Community, 5020 N La Sedona Circle, Delray Beach. Requested the Commissioners to vote against the proposed rezoning changes because the building would be within 100 feet of his property. He informed the Commissioners that his homeowner's association sent letters on June 11, 2020 to the Planning and Zoning Board in opposition of the project. Mr. Genevieve believed the project would cause air and noise pollution to the area.

Lynn Holtzman, residing at 5024 N La Sedona Circle, Delray Beach, expressed her concerns about having hazardous materials close to her front yard and believed that the proposed plan would exacerbate traffic near her community.

Jeff Overstreet, residing at 5132 Conklin Drive in Delray Beach questioned if his neighbors' messages were being heard and if the meeting had been advertised. He mentioned that the proposed plot of land was originally intended to be a funeral home for a low traffic entity. Mr. Overstreet also commented that the proposed project in place would negatively affect the character of the neighborhood and increase traffic significantly.

City Clerk Katerri Johnson concluded public comments.

City Attorney Gelin informed the Commissioners that the City followed all public notice and advertising requirements.

Mayor Petrolia requested City Staff to call the public commenters to notify them that their messages were heard.

Anthea Gianniotis, Development Services Director, notified the Commissioners that the proposed plot of land is already designated for commercial land use. The project received a Traffic Performance Standards (TPS) approval letter from Palm Beach County. The Site Plan and Review Board (SPRAB) would resolve with the applicant on landscaping and noise pollution provisions.

Commissioner Frankel motioned to approve Ordinance No. 19-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8.F.

ORDINANCE NO. 20-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED SPECIAL ACTIVITIES DISTRICT (SAD) TO GENERAL COMMERCIAL (GC), FOR A PARCEL OF LAND AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF SOUTH MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING/PUBLIC HEARING).

Body: Recommended Action:

Recommendation: Review and consider at second reading Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (SAD) to General Commercial (GC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 20-20 O'Reilly Auto Parts Rezoning](#)

[O'Reilly Auto Parts-PZB Staff Report](#)

[O'Reilly Auto Parts-Zoning Maps](#)

[Legal Review Ord 20-20 Rezoning O Reilly Auto Parts.docx](#)

Commissioner Frankel motioned to approve Ordinance No. 20-20 on second reading. It was seconded by Vice Mayor Boylston. The motioned carried by the following vote:

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

8.G.

ORDINANCE NO. 10-20: 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 SECTION 4.3.4, "BASE

DISTRICT DEVELOPMENT STANDARDS", SUBSECTION (H), "SETBACKS", SUBSECTION (3) "ZERO LOT LINE DEVELOPMENT". AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD)

DISTRICT”, SUBSECTION (D), “CONFIGURATION OF BUILDINGS”. AND AMENDING SECTION 4.6.9, “OFF-STREET PARKING REGULATIONS”, SUBSECTION 4.6.9(D)(1) “DESIGN STANDARDS”, TO ESTABLISH REGULATIONS FOR UNDERGROUND PARKING AND STORAGE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 10-20, a City-initiated amendment to Section 4.3.4 “Base District Development Standards”, Subsection 4.3.4(H)(4) “Setbacks”, Section 4.4.13 “Central Business District”, Subsection 4.4.13(D) “Configuration of buildings”, and Section 4.6.9 “Off-street parking regulations”, Subsection 4.6.9(D)(1) “Design standards,” of the Land Development Regulations to allow underground parking within the required setbacks.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 10-20: Underground Parking](#)

[Ord No.10-20, Underground Parking PZB Staff Report](#)

[Legal Review: Ord 10-20](#)

City Attorney Gelin read Ordinance No. 10-20 into the record.

There was a five-minute recess from 7:34 p.m.- 7:39 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson concluded no public comments were submitted.

Vice Mayor Boylston motioned to approve Ordinance No. 10-20 on second reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

9. FIRST READINGS:

9.A. *ORDINANCE NO. 50-20: 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 SECTION 7.1.8 “CONSTRUCTION PARKING”, TO ESTABLISH REGULATIONS THAT*

MITIGATE STREET CLOSURES DURING CONSTRUCTION;

PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 50-20, a City-initiated amendment to Section 7.1.8 “Construction parking” of the Land Development Regulations to modify existing language governing construction parking and provide new regulations for construction staging.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 50-20: Construction Parking and Staging](#)

[Ordinance 50-20: PZB Staff Report](#)

[Ordinance 50-20 Legal Review](#)

City Attorney Gelin read Ordinance No. 50-20 into the record.

Anthea Gianniotis, Development Services Director, presented the City initiated project. The project requires construction traffic to be completed within a 14-day period. If the developer’s proposed projects would cause more than 14 days of lane closures the project would need to be approved by the Commission.

Ms. Gianniotis addressed Deputy Vice Mayor Johnson’s concerns and informed the Commission that the Development Services and Public Works Departments would hold developers accountable.

City Attorney Gelin commented that she would work with Ms. Gianniotis on the enforcement of the proposed ordinance. She informed the Commissioners that this type of violation could be brought to a Special Magistrate.

Vice Mayor Boylston motioned to approve Ordinance No. 50-20 on first reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

9.B.

ORDINANCE NO. 12-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 “CENTRAL BUSINESS DISTRICT”, SUBSECTION 4.4.13(C)(3)(b) “CENTRAL CORE AND BEACH

SUB-DISTRICTS”, TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING 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. 12-20, a City-initiated amendment to the Land Development Regulations, Section 4.4.13 “Central Business District,” subsection 4.4.13(C)(3)(b), to provide exception to the retail requirement within the Central Core and Beach Sub-districts for properties that have 80 percent or more of frontage at a setback of 25 feet or greater.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. 12-20 - Required Retail Frontage](#)

[Ord. No. 12-20 - PZB Staff Report](#)

[Ord. No. 12-20 - Map of Area Impacted by the Amendment](#)

[Legal Review - Ord. 12-20 Required Retail Frontage](#)

City Attorney Gelin read Ordinance No. 12-90 into the record.

Anthea Gianniotis, Development Services Director, explained the proposed ordinance was requested to be brought back for reconsideration. She informed the Commissioners that the Planning and Zoning Board and the Downtown Development Authority unanimously support the project. This plan would allow Waterway East to be exempt from retail requirements and permit the property to utilize office use on the ground floor.

The Commissioners discussed proposed ordinance.

Vice Mayor Boylston motioned to approve Ordinance No.12-90 on first reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager Alvarez:

- Provided an update on the Downtown Overlay

- Notified the Commissioners that due to State regulations virtual meetings would expire on October 15
- Thanked Finance Director Marie Kalka, Assistant City Manager Allyson Love, and City Staff for their assistance with the budget
- Requested direction from the Commission regarding the temporary use of sidewalk cafes

There was consensus among the Commissioners regarding the temporary use of sidewalk cafes.

B. City Attorney

None

C. City Commission

Commissioner Frankel:

- Requested to put flashing lights on Lake Ida Road in front of Spady Elementary School
- Wished everyone a happy Rosh Hashanah

Vice Mayor Boylston:

- Informed his colleagues that the City pins are ready for pickup

Deputy Vice Mayor Johnson:

- Requested City Staff to maintain alleyways and address the issue of debris being dumped in alleyways and abandoned properties
- Requested City Staff to address the issue of Airbnb rentals breaking the rules
- Asked why the termite agreement was not renewed at the Spady property

Interim City Manager Alvarez informed the Commissioners that the termite agreement would be on the list to be renewed in October.

Commissioner Casale:

- Shared information about the Roots and Wings Above and Beyond Teacher Recognition and Project Uplift programs
- Expressed her disappointment in the Commission's decision to investigate Mayor Petrolia. She asked her colleagues to reconsider their decision

Mayor Petrolia:

- Informed her colleagues that the Historic Preservation Board has gathered important information and resources regarding

the Downton Overlay

- Requested that the City figure out a solution of how to address constituent concerns regarding king tide season and combat sea level rise

With no further business to discuss the meeting was adjourned at 7:50 p.m.