

City of Delray Beach

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Minutes - Final

Tuesday, January 5, 2021

4:00 PM

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

The roll call was taken by City Clerk Katerri Johnson, and 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 were:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

Lynn Gelin, City Attorney, requested on behalf of Bonnie Miskel, to pull item 9.B. from the agenda.

There was consensus to pull item 9.B.

Vice Mayor Boylston requested to add a COVID-19 discussion to the beginning of the meeting.

Mayor Petrolia agreed to add the conversation to the agenda under presentations.

Vice Mayor Boylston made a motion to approve the agenda as amended. 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

4. PRESENTATIONS:

4.A. None

Vice Mayor Boylston suggested the City of Delray Beach draft a letter to the Governor and U.S Congress asking for the flexibility to implement COVID-19 precautions.

Mayor Petrolia recommended partnering with organizations and

municipalities for a collective effort.

Commissioner Frankel asked if the City could post a notice on the website stating the COVID-19 regulations the Commissioners could enforce and not enforce.

There was consensus to have Lynn Gelin, City Attorney, draft a letter.

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

Serena Lurie, residing at 309 SE 4th Avenue, expressed her concerns about Ordinance No. 03-21. She believed the Ordinance would not be the best way to solve the affordable housing problem and asked the Commissioners to vote no on this matter.

Lisa Quillian, residing at 925 SE 2nd Avenue, commented on item 9.B. She asked the Commissioners to listen to the neighbors of the project who spoke at the Planning and Zoning Board meeting before deciding on the item.

James Quillian, residing at 925 SE 2nd Avenue, expressed his support for item 9.B. and believed this was the perfect area for the project.

Alex Paladanko, residing at 617 SE 4th Avenue, voiced his support for item 9.B.

Ava Hastings, residing at 211 SE 3rd Avenue, called to support item 9.B.

Orsini Heather, residing at 905 SE 2nd Avenue, commented in support of item 9.B.

Elizabeth McHugh, residing at 732 SE 3rd Avenue, called in favor of item 9.B.

Jahn Dollwet, residing at 729 SE 3rd Avenue, expressed his support for item 9.B.

Gayle Caughey, residing at 613 SE 4th Ave, asked the Commissioners to vote in favor of item 9.B.

Margaret Keller, residing at 729 SE 3rd Avenue, called in support of item 9.B.

Ingrid Lee, residing at 1441 E Bexley Park Drive, expressed her concerns about the proposed building height of item 9.B. Ms. Lee worried the area would welcome unwanted development. She believed the City could find a better compromise in its effort to provide affordable housing in the City.

Ingrid Lee, residing at 1441 E Bexley Park Drive, commented on item 7.E. She hoped the Commissioners would address crowded areas downtown and implement COVID-19 precautions.

Katerri Johnson, City Clerk, stated that public comments were concluded.

Mayor Petrolia asked if there was a way to limit indoor seating in restaurants.

Lynn Gelin, City Attorney, explained the City would need to collect data to prove limited seating is a necessary precaution.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Boylston made a motion to approve the consent agenda. 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

6.A. CITY COMMISSION MEETING MINUTES**Body: Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below:

August 21, 2020 - Special Meeting Closed Attorney Client Session
September 10, 2020 - 1st Budget Public Hearing/Regular Meeting
September 22, 2020 - 2nd Budget Public Hearing/Regular Meeting
October 6, 2020 - Regular Commission Meeting
December 14, 2020 - Special Meeting Closed Attorney Client Session

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 21, 2020 Attorney Client Session - DRAFT](#)
[September 10, 2020 Meeting Minutes - DRAFT](#)
[September 22, 2020 Regular Meeting Minutes - DRAFT](#)
[October 6, 2020 Regular Meeting Minutes - DRAFT](#)
[December 14, 2020 Special Meeting Minutes - DRAFT](#)

**6.B. INTERLOCAL AGREEMENT WITH THE COMMUNITY
REDEVELOPMENT AGENCY FOR THE DIGITAL INCLUSION INITIATIVE****Body: Recommended Action:**

Recommendation: Approve the Interlocal Agreement with the Community Redevelopment Agency for the Digital Inclusion Initiative.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist ILA with CRA for Wi-Fi extenders](#)
[CRA funding for Wi-Fi Extenders ILA](#)

This Request was approved.

**6.C. RESOLUTION NO. 07-21: APPROVAL OF STATE HOMELAND
SECURITY GRANT PROGRAM AGREEMENT RENEWAL WITH THE
STATE OF FLORIDA, WHICH HAS THE STATUTORY AUTHORITY TO
DISBURSE FEDERAL HOMELAND SECURITY FUNDS TO
PARTICIPATING MUNICIPALITIES OF A REGIONAL DOMESTIC
SECURITY TASK FORCE (RDSTF).****Body: Recommended Action:**

Recommendation: Staff recommends the approval of the State Homeland Security Grant Program (SHSGP) agreement renewal to facilitate additional reimbursement of funds to offset the expenses incurred by the City to sustain and purchase specialized equipment for mitigating Hazardous

Materials incidents.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Legal Review SHSGP Grant Agreement](#)
[FY 2020 HSGP - Federally Funded SubGrant Agreement City of Delray Beach \(HM7C\) R0279_new2](#)
[Resolution 07-21 Grant Agreement for SHSGP - updated](#)

This Request was approved.

6.D. PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT

Body: **Recommended Action:**

Recommendation: Motion to Approve the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_PBC Operations 2020](#)
[Mutual Aid Agreement Reviewed by Sims](#)
[Chief Approved Memo](#)

This Request was approved.

6.E. APPROVAL OF AMENDMENT NO. 1 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$487,912 (PROJECT NO. 16-095).

Body: **Recommended Action:**

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Baxter & Woodman, Inc. for Construction, Engineering, and Inspection Services (CEI) for the Osceola Park Project, in the amount of \$487,912, for a total contract amount not to exceed \$983,865.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment 001](#)
[Amendment 1 Exhibit A](#)
[Amendment 1 Exhibit B](#)
[Legal Review Checklist Amendment 1 to Osceola Park \(1\)](#)
[Agenda Cover Report CEI Osceola](#)
[2019-051 CEI Services for Osceola Park Neighborhood Improvements](#)
[- FINAL](#)

6.F.

APPROVAL OF AMENDMENT NO. 3 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE NE 2ND AVENUE SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET NORTH TO GULFSTREAM BOULEVARD) IN THE AMOUNT OF \$50,000 (PROJECT NO. 17-010)

Body: **Recommended Action:**

Recommendation: Motion to Approve Amendment No. 3 to the Agreement with Baxter & Woodman, Inc. for additional Construction, Engineering, and Inspection Services (CEI) for the NE 2nd Avenue Seacrest Beautification Phase 3 Project, in the amount of \$50,000, for a total contract amount not to exceed \$380,222.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Baxter Woodman re CEI services for Seacrest Phase 3 am. 3](#)
[Vendor Signed - Amend 3 - 2019-029](#)
[Exhibit A to Amendment 03 CEI Contract 2019-029](#)
[Fully Executed - Amendment 1 to Agreement with Baxter & Woodman Inc.](#)
[Amendment No. 2 - Baxter & Woodman CEI Services for Seacrest BLVD. Phase 3](#)

6.G.

APPROVAL OF SERVICE AUTHORIZATION NO. 12-03.3 TO WANTMAN GROUP, INC. IN THE AMOUNT OF \$4,900 FOR ADDITIONAL CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES RELATED TO THE SANITARY SEWER SYSTEM 58A AND 87 FORCE MAIN REPLACEMENT PROJECT.

Body: **Recommended Action:**

Recommendation: Motion to approve Service Authorization No. 12-03.3 (Amendment No. 3 to Service Authorization No. 12-03) to Wantman Group, Inc. (WGI) in the amount of \$4,900 for additional construction, engineering, and inspection (CEI) services related to the Sanitary Sewer System 58A and 87 Force

Main Replacement Project (P/N 2014-039).

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist service auth](#)
[LS 58A & 87 Forcemain SA](#)
[Amendment No.3 WGI](#)

6.H.

ITEM(S) A1, A2, B1 AND C1- ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 215 NE 7th Ave., ACCEPTANCE OF A RIGHT OF-WAY-DEDICATION FOR 1225 S. OCEAN BLVD., ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 238 SW 6th AVE. AND ACCEPTANCE OF AN UNDERGROUND EASEMENT(BUSINESS) FOR 1725 NE 3RD AVE.

Body: **Recommended Action:**

Recommendation: Consideration of the following items:

RIGHT-OF-WAY DEED(S)

Items A

Item A1 - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 215 NE 7th Ave. to the City of Delray Beach.

Item A2 - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 1225 S. Ocean Blvd. to the City of Delray Beach.

PERPETUAL SIDEWALK EASEMENT AGREEMENT(S)

Item B

Item B1 - Motion to approve and accept a Perpetual Sidewalk Easement Agreement by
the owner(s) of 238 SW 6th Ave. to the City of Delray Beach

FLORIDA POWER AND LIGHT EASEMENT DEDICATION(S)

Item C1 - Motion to approve the dedication of a Utility Easement to Florida Power and Light for 1725 NE 3RD AVE. from the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews -\(4\)](#)
[Item \(A1a\) ROW Deed - 215 NE 7th Ave](#)
[Item \(A1b\) Exhibit A Sketch - 215 SE 7th Ave.](#)
[Item \(A2a\) ROW Deed - 1225 S. Ocean Blvd.](#)
[Item \(A2b\) - Exhibit A Sketch - 1225 S. Ocean Blvd.](#)
[Item \(B1a\) - 238 SW 6th Ave. PSE](#)
[Item \(B1b\) Exhibit A Sketch - 238 SW 6th Ave. - Revised](#)
[Item \(C1a\) - 1725 NE 3RD AVE - FPL EASEMENT](#)
[Item \(C1b\) - 1725 NE 3RD AVE - EXHIBIT A](#)

6.I.

RETROACTIVE APPROVAL FOR EXPENDITURES IN THE AMOUNT OF \$125,943.90 FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES FOR THE PUBLIC WORKS DEPARTMENT WITH TRANE US, INC.

Body: **Recommended Action:**

Recommendation: Motion to retroactively approve expenditures in the amount of \$125,943.90 Trane US Incorporated, for air conditioning maintenance and repair services for the Public Works Department.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

6.J. PROCLAMATIONS:

6.J.1. MARTIN LUTHER KING, JR. DAY PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to proclaim January 18, 2020 as Dr. Martin Luther King, Jr. Day of Service.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[MARTIN LUTHER KING JR. DAY 2021](#)

6.J.2. NATIONAL MENTORING MONTH PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to proclaim the month of January as National Mentoring Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Mentoring Month - January 2021](#)

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

6.K.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 9, THROUGH DECEMBER 11, 2020.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - German Auto World and Tiles by Vali](#)
[B - Parks at Delray](#)
[C - Pierre Delray II](#)
[D - Delray Ford](#)
[E - Chcolato](#)
[F - Sofa](#)
[G - Ocean City Lofts Condominium](#)
[H - 905 SW 14th Street](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. APPROVAL OF RESOLUTION NO. 01-21 TO AWARD AN AGREEMENT TO COMMERCIAL ENERGY SPECIALISTS, INC. FOR POOL SOLVENTS AND CHEMICALS; UTILIZING MARTIN COUNTY, FLORIDA SOLICITATION NO. 2017-2927 - \$30,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 01-21, to award an Agreement to Commercial Energy Specialists, Inc. for pool solvents and chemicals in the estimated amount of \$30,000, utilizing the Martin County, Florida Solicitation No. 2017-2927; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of

funds.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Reso 01-21 Commercial Energy Specialists Inc Piggyback](#)

[Martin County CES \(1\)](#)

[2927 Pool Chemicals](#)

[Legal Review Checklist Commercial Energy Specialists piggyback](#)

[Martin County](#)

[Master Agreement](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 25-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b)(4) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SPECIAL LANDSCAPE SETBACK ON THE SOUTH SIDE OF LINTON BOULEVARD FOR THE PROPERTY LOCATED AT 1200 W. LINTON BOULEVARD AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 26-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(3)(a) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SETBACK FOR THE EXISTING FREE STANDING SIGN TO BE IN THE SPECIAL LANDSCAPE SETBACK AT 0.56 FEET WHERE 10 FEET IS REQUIRED, 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. 25-21, granting a waiver to the special landscape setback in section 4.3.4(H)(6)(b)(4) of the Land Development Regulations at 1200 W. Linton Boulevard.

Review and consider Resolution No. 26-21, granting a waiver to the setback requirements in section 4.6.7(E)(3)(a) of the Land Development Regulations at 1200 W. Linton Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 25-21 Special Landscape Waiver](#)
[Exhibit A Resolution No. 25-21](#)
[Res No. 26-21 Sign Waiver](#)
[Exhibit A Resolution No. 26-21](#)
[1200 W Linton Survey](#)
[Justification Statement](#)
[Legal Review Reso 25-21](#)
[Legal Review Reso 26-21](#)

Anthea Gianniotis, Development Services Director, entered File No. 2021-031 into the record and notified the Commissioners the applicant was present.

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

Vice Mayor Boylston: None
Deputy Vice Mayor Johnson: Spoke with Bonnie Miskel about the item.
Commissioner Casale: None
Commissioner Frankel: None
Mayor Petrolia none

Katerri Johnson, City Clerk, swore in Daniel Skeehan who gave testimony on this item.

Daniel Skeehan of Kimley Horn Associates gave a presentation on the two proposed waiver requests for the Target Shopping Center.

Ms. Gianniotis provided a staff report to the Commission.

There was a five-minute recess from 4:42 p.m. - 4:47 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentation.

Commissioner Frankel motioned to approve Resolution No. 25-21. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Frankel motioned to approve Resolution No. 26-21. 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.B.

RESOLUTION NO. 03-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION APPLICATION FOR A FINAL PLAT THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "BANYAN 2020", WHICH IS A REPLAT OF LOT 39, DELRAY BEACH SHORES PLAT, AS RECORDED IN PLAT BOOK 23, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 03-21, a final plat for a two-lot subdivision known as "Banyan 2020" Plat, located on the northwest corner of White Drive and South Ocean Boulevard within the R-1-AA zoning district, and determining that it is necessary and appropriate to create the proposed nonconformities for Lot 2.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Banyan 2020 - Resolution No. 03-21](#)
[Banyan 2020 - Proposed Plat](#)
[Banyan 2020 - Request Letter](#)
[Banyan 2020 - Survey](#)
[Banyan 2020 Legal Review - Resolution 03-21](#)

Anthea Gianniotis, Development Services Director, entered File No. 2020-269 into the record.

Mayor Petrolia asked her colleagues for ex-parte communications. The following was disclosed:

Vice Mayor Boylston: Spoke with Bonnie Miskel and Matthew Scott about the project

Deputy Vice Mayor Johnson: Had a meeting with Bonnie Miskel

Commissioner Frankel: Conversated with Bonnie Miskel about the item

Commissioner Casale: Spoke with Matthew Scott about the project

Mayor Petrolia: None

Katerri Johnson, City Clerk, swore in Matthew Scott who provided testimony on this item.

Matthew Scott representing Dunay, Miskel, and Backman LLP, gave a presentation highlighting the proposed Banyan House Condominium plat project.

Anthea Gianniotis presented a staff report on Resolution No. 03-21 to the Commission. She stated for the record that overflow parking is not required for the condominium.

There was a five-minute recess from 4:58 p.m. - 5:03 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Jenny Dibel, residing at 1018 White Drive, expressed her support for the proposed properties on the Banyan lot. Ms. Dibel did not want the lots to be designated for mixed use. She asked the Commissioners to repair and elevate the seawall to prevent flooding in her neighborhood.

Roger Devil, residing at 1000 White Drive, commented in favor of the proposed homes, landscaping renovations, and a new seawall.

Gustav Vandeskeven, residing at 1001 White Drive, asked the Commissioners to repair the seawall to prevent flooding in his community.

David Ferguson, residing at 1225 S. Ocean Boulevard, asked the Commissioners to vote in favor of items 6.H. and 7.B.

Tom McCauley, residing at 1225 S. Ocean Boulevard, expressed his support for the project and for revitalizing Banyan House.

Gary Rice, residing at 1230 S. Ocean Boulevard, called to address the construction hours and to ensure his home would not flood during construction.

There was no cross-examination or rebuttal pertaining to the presentation.

Vice Mayor Boylston made a motion to approve Resolution No. 03-21. 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.C. RESOLUTION NO. 05-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF THE CANAL STREET RIGHT-OF-WAY LYING EAST OF THE INTRACOASTAL WATERWAY AND ADJACENT TO THE PROPERTY LOCATED AT 824 NE 2ND STREET, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY FOUR THOUSAND EIGHT HUNDRED AND NINETY ONE (4,891) SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Body: Recommended Action:

Recommendation: Review and consider the Resolution No. 05-21 for an Abandonment of interest from the City in a portion of the Canal Street right-of-way.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 05-21- Canal Street - 824 NE 2nd St](#)

[824 NE 2nd Street - Survey](#)

[Canal Street \(subject area\) - Survey](#)

[Canal Street - City Engineer Review](#)

[Canal Street - P & Z Staff Report](#)

[Army Corps of Engineers - Consent to Easement Application](#)

[Legal Review Reso No. 05-21](#)

Anthea Gianniotis, Development Services Director, entered File No. 2021-006 into the record and announced the applicant was present.

Mayor Petrolia asked if her colleagues had any ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: Spoke with Mr. Costello and Mr. Schiller about the project

Deputy Vice Mayor Johnson: Spoke with Mr. Costello and Mr. Schiller about the project

Commissioner Frankel: Spoke with Mr. Costello and Mr. Schiller about the project

Commissioner Casale: Spoke with Mr. Costello and Mr. Schiller about the project

Mayor Petrolia: Spoke with Mr. Costello and Mr. Schiller about the project

Katerri Johnson, City Clerk, swore in Jeff Costello and Neil Schiller who provided testimony on this item.

Neil Schiller, Attorney of Saul Ewing Arnstein & Lehr LLP, representing Maud Anderson the owner of the proposed property, and Jeff Costello gave a presentation on the Canal Street Right of Way Abandonment project.

Ms. Gianniotis presented a staff report to the Commission. She reported the proposed project was consistent with the City's Comprehensive Plan. Ms. Gianniotis informed the Commissioners that the Planning and Zoning Board voted 7-0 in support of the project on November 16, 2020.

There was a five-minute recess from 5:35 p.m. - 5:40 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentation.

Deputy Vice Mayor Johnson made a motion to approve Resolution No. 05-21. 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.

RESOLUTION NO. 20-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.13(C)(4) (c)1. OF THE LAND DEVELOPMENT REGULATIONS, ALLOWING A COMMERCIAL USE (OFFICE AND RETAIL) TO EXTEND BEYOND 150 FEET FROM WEST ATLANTIC AVENUE WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT FOR THE PROJECT KNOWN AS "HATCHER BUILDING" LOCATED AT 20 AND 26 NORTHWEST 6TH AVENUE, 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. 20-21, approving a Conditional Use request to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District, for the properties located at 20 and 26 Northwest 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 20-21](#)
[Hatcher Building PZB Staff Report](#)
[Hatcher Building Applicant Justification Letter](#)
[Hatcher Building Location Map](#)
[TPS Approval - Hatcher Office Building 9-22-20.pdf](#)
[Legal Review Reso 20-21](#)

Anthea Gianniotis, Development Services Director, entered File No. 2020-229 into the record.

Mayor Petrolia asked if her colleagues had any ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: Spoke with Jeff Costello
Deputy Vice Mayor Johnson: Spoke with Jeff Costello
Commissioner Frankel: Spoke with Jeff Costello
Commissioner Casale: Spoke with Jeff Costello
Mayor Petrolia: Spoke with Jeff Costello

Katerri Johnson, City Clerk, swore in Jeff Costello who provided testimony on this item.

Jeff Costello of JC Planning Solutions, residing at 981 Delray Lakes Drive, gave a presentation on the proposed Conditional Use Request on behalf of the applicant Hatcher Construction.

Ms. Gianniotis presented a staff report to the Commissioners and informed them the Planning and Zoning Board voted 7-0 in support of the project on November 16, 2020.

There was a five-minute recess from 5:58 p.m.- 6:03 p.m. to allow public comments. When the Commission reconvened Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentation.

Vice Mayor Boylston made a motion to approve Resolution No. 20-21. 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.E. 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 39th, 40th and 41st Extensions of the State of Emergency for COVID -19, Resolution No. 209-20 and Resolution 210-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[39th Extension Emergency Declaration - COVID 19](#)

[40th Extension Emergency Declaration - COVID 19](#)

[41st Extension Emergency Declaration - COVID 19](#)

[Res No. 209-20 - Curfew](#)

[Res. No. 210-20](#)

Commissioner Frankel motioned to approve the ratification of the Extensions of the State of Emergency for COVID-19 Resolutions. 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.F. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment for three (3) regular members to serve on the Code Enforcement Board for a term ending January 14, 2024. Motion to approve the nomination for appointment of one (1) alternate member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Code Enforcement Board 4](#)

[Butera](#)

[Fontaine](#)

[Rose](#)

[Ruen](#)

[Schiff](#)

[Tito](#)

Commissioner Frankel nominated Michael Schiff to the Code Enforcement Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Casale nominated Stephen Butera to the Code Enforcement Board as an alternate member. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston nominated Nicole Fontaine to the Code Enforcement Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson nominated Courtney Tito to the Code Enforcement Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.G.

APPROVAL OF RESOLUTION NO. 24-21 AND RETRO APPROVAL TO APPLY FOR, RECEIVE AND EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY TO BE REIMBURSED UP TO \$619,000 FOR PROCUREMENT AND EXPENDITURE RELATED GOODS OR SERVICES IN ACCORDANCE WITH THE FEDERAL MUNICIPAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) REIMBURSEMENT PROGRAM

Body: **Recommended Action:**

Recommendation: Approval of Resolution No. 24-21 and retro approval to apply for, receive, and execute the Interlocal Agreement with Palm Beach County regarding reimbursement of COVID-19 related expenditures eligible under the Federal CARES Act Reimbursement program.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[PALM BEACH COUNTY MUNICIPAL CARES ACT
REIMBURSEMENT PROGRAM
Palm Beach County Municipal CARES Reimbursement Program
Agreement
Resolution 24-21
Legal Review Reso 24-21](#)

Jennifer Alvarez, Interim City Manager, explained this item would ratify the Commissioner's decision to allow the City to apply for the Palm Beach County COVID-19 relief grant.

Vice Mayor Boylston made a motion to approve Resolution No. 24-21. 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

7.H. DISCUSSION REGARDING CITY MANAGER HIRING

Attachments: [Agenda Cover Report](#)

The Commissioners engaged in a discussion about Deputy Vice Mayor's Johnson's proposal for hiring a new City Manager.

Lynn Gelin, City Attorney, informed the Commission that all volunteers involved in the hiring process would be subject to Sunshine Law. Confidentiality would need to be disclosed to the applicant.

Further discussion ensued about how the City has hired City Managers in the past.

The Commissioners expressed their ideas about how to improve the hiring process and market the position.

There was consensus to schedule a Special Meeting to discuss the City Manager hiring process on January 19, 2021.

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 61-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT BY AMENDING ORDINANCE NO. 30-18 TO UPDATE THE ADOPTED DEVELOPMENT STANDARDS, AND AMENDING SECTION 4.4.25 (H) (14) OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE 1690-2350 SOUTH CONGRESS AVENUE SAD TO IDENTIFY THE SUBJECT ORDINANCE; SAID LAND LYING GENERALLY BETWEEN OLD GERMANTOWN ROAD ON THE WEST SIDE OF CONGRESS AVENUE AND THE PRESERVE AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "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).

Body: Recommended Action:

Recommendation: Motion to Review and Consider Ordinance No. 61-20, rezoning land presently zoned SAD to SAD by amending Ordinance No. 30-18 to update the adopted Development Standards for the 1690-2350 South Congress Avenue SAD and identify the subject ordinance.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 61-20 Parks at Delray](#)
[Proposed Changes to Development Standards](#)
[Ordinance No. 61-20: Exhibit E, Proposed Phasing Plan](#)
[Parks at Delray PZB Staff Report](#)
[Parks of Delray Applicant Justification Statement.pdf](#)
[Ordinance No. 30-18](#)
[Ordinance No. 30-18: Master Plan](#)
[Ordinance No. 30-18: Phasing Plan](#)

Lynn Gelin, City Attorney, read Ordinance No. 61-20 into the record.

Anthea Gianniotis, Development Services Director, entered her presentation from the first reading into the record and informed the Commissioners the applicant was present.

Christina Bilenki of Dunay, Miskel, and Backman LLP, asked the

Commissioners if they had any questions related to her previous presentation.

There was a five-minute recess from 7:00 p.m. - 7:05 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Lewis Carr, residing at 2535 SW 22nd Avenue, requested access to view the presentation.

Ingrid Lee, residing at 1441 Bexley Park Drive, expressed her concern regarding item 8.A. She believed rezoning needs to comply with the City's comprehensive plan to keep workforce housing at the required 20%.

Anthea Gianniotis, Development Services Director, provided clarification on the workforce housing percentage.

Vice Mayor Boylston made a motion to approve Ordinance No. 61-20 on Second Reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 3 - Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Vice-Mayor Boylston

No: 2 - Mayor Petrolia, and Commissioner Casale

9. FIRST READINGS:

9.A.

ORDINANCE NO. 01-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE LINTON COMMONS OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.12, PLANNED COMMERCIAL (PC) DISTRICT;" TO PROVIDE REGULATIONS FOR THE LINTON COMMONS OVERLAY;

AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," ESTABLISHING SECTION 4.5.21, "LINTON COMMONS OVERLAY DISTRICT;" AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAMS," TO ESTABLISH WORKFORCE HOUSING CRITERIA FOR THE LINTON COMMONS OVERLAY DISTRICT; 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 Ordinance No. 01-21, a privately-initiated request to amend Section 4.3.4, Base Development Standards; Section 4.4.12, Planned Commercial (PC) District; Article 4.5, Overlay and Environmental Management Districts; and Article 4.7, Family / Workforce Housing, of the Land Development Regulations (LDR), to establish the Linton Commons Overlay District and provide supporting regulations related to workforce housing requirements and height allowances within the overlay.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 01-21, Linton Commons Overlay LDR](#)

[Ordinance No. 01-21 PZB Staff Report](#)

[Linton Commons Applicant Narrative](#)

[Simple Legal Review Approval Ord 01-21](#)

Lynn Gelin, City Attorney, read Ordinance No. 01-21 into the record.

Anthea Gianniotis, Development Services Director, notified the Commissioners the applicant was present.

Jordana Jarjura of Menin Development gave a presentation on the proposed text amendment for Linton Commons.

Anthea Gianniotis, Development Services Director, provided a staff presentation to the Commissioners. She notified the Commissioners this would be the first amendment that would provide equal distribution for all workforce housing levels. Additionally, she informed the Commission the Planning and Zoning board voted 6-0 in support of the project on December 14, 2020.

The Commissioners discussed the project and complimented Menin

Development for their contributions to the City.

Deputy Vice Mayor Johnson made a motion to approve Ordinance No. 01-21. 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.B.

ORDINANCE NO. 03-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUBSECTION (C), "ALLOWABLE USES," TO EXPAND THE AREAS WHEREIN AUTOMATED PARKING GARAGES ARE A PERMISSIBLE USE; BY AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS," TO ADD THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT AS AN EXCEPTION TO STANDARD BUILDING HEIGHT REGULATIONS OF THE CENTRAL BUSINESS DISTRICT; BY AMENDING TABLES 4.4.13(B), "BUILDING HEIGHT," AND 4.4.13(C), "DIMENSIONAL REQUIREMENTS BY CBD SUB-DISTRICT", TO INCREASE THE MAXIMUM NUMBER OF STORIES ALLOWED IN THE RAILROAD CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; BY AMENDING SUBSECTION (H), "INCENTIVE PROGRAM," TO REQUIRE THE PROVISION OF WORKFORCE HOUSING FOR A DENSITY INCREASE ABOVE 30 DWELLING UNITS PER ACRE WITHIN THE RAILROAD-CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; 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. 03-21 on First Reading, privately-initiated amendments to the Land Development Regulations for the portion of the Central Business District (CBD) Railroad Corridor Sub-district located south of SE 2nd Street to increase the maximum number of stories allowed from four to five within the current maximum height of 54 feet, increase the maximum density from 30 to 70 dwelling units per acre as part of a Residential Incentive Program that requires at least 20 percent of the bonus density be provided as workforce housing units (either on-site, off-site, or through monetary contribution), and expand

the locations for Automated Parking Garages to include any Secondary Street within the Railroad Corridor Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 03-21: CBD-Railroad Corridor LDR Amendments](#)

[Ord. No. 03-21: PZB Staff Report](#)

[Ord. No. 03-21: Applicant Narrative](#)

[Ord. No. 03-21: Applicant Supporting Documents](#)

[Legal Review Ord 03-21.docx](#)

Item 9.B. was pulled from the agenda.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Jennifer Alvarez, Interim City Manager, informed the Commissioners the City has received great media coverage regarding COVID-19 business relief grants. She also notified the Commission that a public relations firm was hired to handle matters regarding the City's water quality. She would like the Commissioners to spend time with the new agency.

Ms. Alvarez requested consensus on the following three items: Allow Mr. Waldon to pay for seawall repairs near his home, coordinate a ribbon cutting ceremony for City Marina in February, and create a proclamation honoring the late activist Alfred Zack Straghn.

There was consensus on all items.

Ms. Alvarez informed the Commissioners that an Affordable Housing workshop would be scheduled in February.

B. City Attorney

None:

C. City Commission

Vice Mayor Boylston asked the Commissioner to honor the second Sunday in March as Alfred Zack Straghn day. He asked for an update on the property next to Doc's All American Restaurant.

Lynn Gelin, City Attorney, informed the Commissioners that Mr. Schiller reached out. Ms. Gelin is looking into creating a developer's agreement for reconsideration now that the Dunkin Donuts property and Doc's All American Restaurant has a unified owner. Ms. Gelin also informed the Commissioners that the local rules and procedures would be ready by the next meeting.

The Commissioners engaged in a discussion about the possibility of reconsidering Mr. Schiller's project.

Vice Mayor Boylston made a motion to reconsider Ordinances No. 34-20 and No. 35-20 with no time certain. It was Seconded by Commissioner Frankel.

Vice Mayor Boylston amended the motion.

Vice Mayor Boylston made a motion to reconsider Ordinances No. 34-20 and No. 35-20. It was Seconded by Commissioner Frankel. The motion carried by the following vote:

YES: 4 - Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Commissioner Casale, and Vice-Mayor Boylston

NO: 1- Mayor Petrolia

Commissioner Frankel complimented the safety precautions at the Tennis Tournament. He also congratulated coach Ryan Day and the Ohio State Buckeyes who would compete in the National championship game on Monday.

Deputy Vice Mayor Johnson congratulated Vice Mayor Boylston on his involvement with the school district and wanted to work towards improving schools in the area. She asked the Commission to consider a proclamation or scholarship to recognize students in the future. Additionally, she complimented Atlantic High School on their victory in the Football Class A. State Championship Bracket.

Commissioner Casale suggested that Commissioners ask applicants to contact all five Commissioners on matters of consideration and bring up items for consideration at the beginning of the meeting. She also asked for consensus if she could join a group of PFAS stakeholders through the League of Cities.

There was consensus to allow Commissioner Casale to represent the

City at the League of Cities' meetings.

Mayor Petrolia asked if the City would have early voting for the municipal election.

Katerri Johnson, City Clerk, commented that she would work with Wendy Link to figure out pricing and procedures.

Mayor Petrolia requested an update on accessibility of vaccinations in the City.

Jennifer Alvarez, City Manager, notified the Commissioners that the City asked Palm Beach County for the ability to vaccinate. She would provide an update to the Commissioners once she receives a response.

Mayor Petrolia requested updates on the bathrooms in Pompey Park, the LGBTQ crosswalk, and the reclaimed water situation. Additionally, she asked her colleagues if they were interested in participating in the National Civic League's All-American City Designation competition.

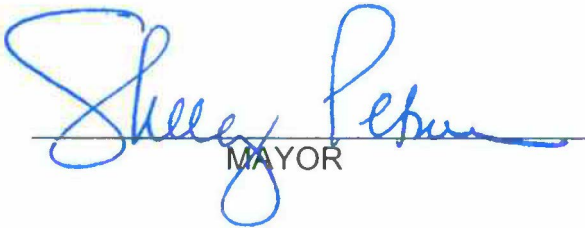
Commissioner Frankel recommended moving Commission comments to item 5.C. The Commissioners agreed to open that matter for discussion in the future.

With no further business to discuss, the meeting was adjourned at 8:40 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the January 5, 2021 City Commission Meeting held on January 5, 2021, which Minutes were formally approved and adopted by the City Commission on February 2, 2021.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.