

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Regular Commission Meeting

1st Budget Public Hearing/Regular Meeting at 6:00 PM

Tuesday, September 3, 2024

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Thomas F. Carney, Jr.

Vice Mayor Juli Casale

Deputy Vice Mayor Rob Long

Commissioner Tom Markert

Commissioner Angela Burns

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL**

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. QUARTERLY FINANCIAL REVIEW THROUGH JUNE 30, 2024**

Recommendation: N/A - Presentation item.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[rptIncomeStatement_all funds summary_06.30.2024](#)
[rptIncomestatement_all funds detailed_06.30.2024](#)
[rptIncomeStatement_Gen fund by category_06.30.2024](#)

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

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

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. CITY COMMISSION MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

August 19, 2024 Regular Meeting Minutes - DRAFT

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 19, 2024 Regular Meeting Minutes - DRAFT](#)

- 6.B.** CERTIFICATION OF THE MINOR SUBDIVISION PLAT, "DELRAY COMMONS BURGER KING REPLAT", BEING A REPLAT OF TRACT 1, DELRAY COMMONS, AS RECORDED IN PLAT BOOK 85, PAGE 183 THROUGH 184, INCLUSIVE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

Recommendation: Consider the minor subdivision plat for the 7.19-acre parcel located at 5024 West Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Proposed Burger King Replat](#)
[5024 W Atlantic Avenue - Survey](#)
[5024 W Atlantic Avenue - Location Map](#)

- 6.C.** RESOLUTION NO. 168-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF A UTILITY EASEMENT LOCATED AT 4645 WHITE CEDAR LANE, TOTALING APPROXIMATELY FIVE THOUSAND NINE HUNDRED AND THIRTY-THREE SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommendation: Review and consider the abandonment of a ten-foot utility easement located at the clubhouse addressed as 4645 White Cedar Lane, at the southeast corner of the intersection of White Cedar Lane and Love Oak Boulevard, totaling approximately 5,933 sq. ft..

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 168-24](#)
[Exhibit A, Resolution No. 168-24](#)
[Engineer's Abandonment Recommendation](#)
[Recorded Replacement FPL Easement](#)
[Legal Review, Resolution No. 168-24](#)

- 6.D.** APPROVAL OF THE DEFERRED COMPENSATION PLANS COMMITTEE BYLAWS ESTABLISHING POLICIES AND PROCEDURES

Recommendation: Motion to approve the Committee's bylaws adopted by the Committee.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Bylaws Legal Review 8-21-24](#)
[Chair signed Bylaws for CC approval 8-19-24](#)

- 6.E.** ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 655 NW 4th ST.
ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 701 NW 4th ST.
ITEM(S) A3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 203 SW 2nd ST.
ITEM(S) A4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 2023 NE 2nd AVE.

Recommendation:

Consideration of the following items:

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 655 NW 4th St.

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of 701 NW 4th St.

Item A3 - Motion to approve and accept a Right-of-Way Dedication by the owners of 203 SW 2nd St.

Item A4 - Motion to approve and accept a Right-of-Way Dedication by the owners of 2023 NE 2nd Ave.

Sponsors:

Public Works Department

Attachments:

[Agenda Cover Report](#)

[A1a - Right of Way Deed - 655 NW 4th St. - Melinda and Derek Peacock](#)

[A1b - Legal Review Right of Way Deed - 655 NW 4th St. - Melinda and Derek P](#)

[A2a - Right of Way Deed - 701 NW 4th St. - Shirley Johnson](#)

[A2b - Legal Review Right of Way Deed - 701 NW 4th Street - Shirley Johnson](#)

[A3a - Right of Way Deed - 203 SW 2nd St - Chris and Mary Taroli](#)

[A3b - Legal Review Right of Way Deed - 203 SW 2nd St - Chris and Mary Tarol](#)

[A4a - Right of Way Deed - 2023 NE 2nd Ave - Olivier Verdier and Laura Rongic](#)

[A4b - Legal Review Right of Way Deed - 2023 NE 2nd Ave - Olivier Verdier and](#)

6.F. ITEM(S) A1, MAINTENANCE OF TRAFFIC PLAN/ ROAD CLOSURE PLAN FOR INTERSECTION OF SW 2nd St and SW 6th Ave.

Recommendation: Consideration of the following items:

Per LDR 7.1(C) (1)

Maintenance of Traffic (MOT) Plan. All construction parking and staging that involves travel lane, bike lane, or sidewalk closures shall submit a MOT Plan as follows: (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_regulations_?nodeId=CH2ADPR>, 10-20-20)

Closures greater than 14 days throughout the course of construction, which eliminate travel lanes or change the flow of traffic must be approved by the City Commission. Street closures that do not exceed 14 days throughout the course of construction may be approved administratively. (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_regulations_?nodeId=CH2ADPR>, 10-20-20)

Having exceeded the allowable 14 days throughout the course of construction the following Maintenance of Traffic plans are petitioning additional closures as follows:

MAINTENANCE OF TRAFFIC PLAN/ ROAD & LANE CLOSURES

Item(S) A

Item A1 - Wynn & Sons - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for the intersection of SW 2nd St and SW 6th Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item A1 - MOT -WYNN & SONS SW 6TH AVE & SW 2ND ST](#)

6.G. APPROVAL OF ADDITIONAL SPENDING FOR AGREEMENT P2022-065 WITH SAMSARA NETWORKS, INC., FOR FLEET MANAGEMENT TECHNOLOGIES WITH RELATED SOFTWARE SOLUTIONS IN THE AMOUNT OF \$49,153.86 FOR A REVISED TOTAL OF \$191,310.86

Recommendation: Motion to approve Additional Spending for Agreement P2022-065 with Samsara Networks, Inc. for Fleet Management Technologies with Related Software Solutions in the amount of \$49,153.86 for a revised total of \$191,310.86.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Samsara Quotes - Utilities & Fire](#)

[Agreement P2022-065](#)

[Resolution No. 124-22](#)

6.H. RATIFICATION AND APPROVAL OF ADDITIONAL SPENDING WITH WATERBLASTING, LLC., FOR AN INCREASE OF \$10,925, FOR A NEW PURCHASE ORDER TOTAL OF \$69,925.

Recommendation: Ratification and approval of additional spending with Waterblasting, LLC., for an increase of \$10,925, for a new purchase order total of \$69,925.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[24-0806_Waterblasting Confirmation Purchase Form Exceeding \\$65K_SIGNEI](#)

6.I. APPROVAL OF ADDITIONAL SPENDING ON CONTRACT #P2019-025, IN THE AMOUNT OF \$150,000 WITH PROLIME CORPORATION FOR WET LIME SLUDGE HAULING, FOR A NEW OVERALL REVISED CONTRACT VALUE OF \$2,429,157.

Recommendation: Motion to approve additional spending on contract #P2019-025, in the amount of \$150,000 with Prolime Corporation for Wet Lime Sludge Hauling, for a new overall revised contract value of \$2,429,157.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[19-0416_Prolime Corp_Res No. 95-19.pdf](#)
[Amendment No. 1 - Prolime Corp. \(Wet Lime Sludge Hauling\).pdf](#)

6.J. ITEM A1 - ACCEPTANCE OF A SEWER EASEMENT FOR 13029 BARWICK ROAD.

Recommendation: Consideration of the following item Utility Easement Item A1 for 13029 Barwick Road.

Item A1 - Motion to approve and accept a Sewer Easement for new sanitary sewer piping Dedication by the owner(s) of 13029 Barwick Road to the City of Delray Beach.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[13029 Barwick Rd - Sewer Easement Deed Legal Approval.pdf](#)
[Barwick Road Sewer Easement Deed PCN 12-42-46-22-002-0000.pdf](#)

6.K. PROCLAMATIONS:

6.K.1. HISPANIC HERITAGE MONTH PROCLAMATION

Recommendation: Motion to declare September 15, 2024 - October 15, 2024 as Hispanic Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Hispanic Heritage Month Proclamation 2024](#)

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

6.L.1. None

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. APPROVAL OF RESOLUTION NO. 132-24 TO AWARD A CITY STANDARD AGREEMENT WITH HACH COMPANY FOR WATER QUALITY TESTING PRODUCTS, EQUIPMENT, AND MATERIALS ON AN AS NEEDED BASIS IN A NOT-TO- EXCEED AMOUNT OF \$375,000 (\$125,000 RESPECTIVELY PER YEAR).

Recommendation: Motion to Approve Resolution No. 132-24 to award a City Standard Agreement with Hach Company for water quality testing products, equipment, and materials on an as needed basis, in a not-to-exceed amount of \$375,000 (\$125,000 respectively per year).

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Hach LR.pdf](#)
[Resolution 132-24 Revised.docx](#)
[CS2024-022 Agreement Revised.docx](#)
[WQ Contract Addendum EN 20200325.pdf](#)
[2024 HACH City Standard Approval Memo Request rev - signed.pdf](#)

6.M.2. APPROVAL OF RESOLUTION NO. 166-24 TO AWARD AN AGREEMENT WITH PROLIME CORPORATION FOR WET LIME SLUDGE REMOVAL AND DISPOSAL PURSUANT TO ITB 2024-033, IN A TOTAL AMOUNT NOT TO EXCEED \$2,835,000.

Recommendation: Motion to approve Resolution No. 166-24 to award an agreement with Prolime Corporation for Wet Lime Sludge Removal and Disposal, pursuant to ITB 2024-033, in a total not to exceed amount of \$2,835,000 (respectively \$567,000 yearly); and authorize the City Manager to approve renewal options, in the amount below, contingent upon appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[ITB 2024-033 LR.pdf](#)
[ITB2024-033 Agreement Wet Lime Sludge Removal.docx](#)
[Prolime Corporation Reso 166-24.docx](#)
[Pricing Schedule.pdf](#)

7. REGULAR AGENDA:

- 7.A.** NOMINATION FOR AN APPOINTMENT TO THE PLANNING AND ZONING BOARD. BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR AN APPOINTMENT FOR ONE (1) QUALIFIED MEMBER TO SERVE AN UNEXPIRED TERM ENDING AUGUST 31, 2025, WILL BE MADE BY COMMISSIONER MARKERT (SEAT #1).

Recommendation: Motion to approve the nomination for an appointment for one (1) qualified member to serve an unexpired term ending August 31, 2025.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Planning & Zoning Board Member List](#)
[Amani, Sandra](#)
[Baffer, Benjamin](#)
[Cohen, Steven](#)
[Cohn, Damara](#)
[Dumitrescu, Vlad](#)
[Fredericks, Carol](#)
[King, Cara](#)
[Kiser, Mereida](#)
[Lloyd, Cynthia](#)
[Meiselman, Jeff](#)
[Nelson, Adam](#)
[Ramirez, Aura](#)
[Schiff, Michael](#)
[Sauarez, Lucika](#)
[Savitch, Aaron](#)
[Vedder, Jim](#)

- 7.B.** NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD. BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR ONE (1) REGULAR MEMBER TO SERVE A TERM ENDING JULY 31, 2026, WILL BE MADE BY VICE-MAYOR CASALE (SEAT #3).

Recommendation: Motion to approve the appointment of one (1) regular member for an appointment to the Green Implementation Advancement Board for a term ending July 31, 2026.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Green Board 2](#)
[Jones, Adam](#)
[Lembovski, Katherine](#)

8. PUBLIC HEARINGS/SECOND READINGS:**8.A. RESOLUTION NO. 173-24: GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES**

Recommendation: Motion to adopt Resolution No. 173-24 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 173-24 - City Proposed Millage FY 2025-9.3.24 Revised rev. kwb](#)
[City DR420 2024 652](#)
[City-Debt DR420Debt 2024 651](#)
[Simple Legal Review Approval 173-24](#)

8.B. RESOLUTION NO. 174-24: DOWNTOWN DEVELOPMENT AUTHORITY PROPOSED MILLAGE RATE

Recommendation: Motion to adopt Resolution No. 174-24 Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 174.24 DDA Proposed Millage FY 2025-9.3.24 Revised rev. kwb](#)
[DDA FY24-25 Millage and Budget Memo for CC 9.03.24](#)
[DBDDA 2024 25 Draft Budget for CC Budget Hearing 9.03.24](#)
[DDA DR420 2024 1412](#)
[Simple Legal Review Approval 174-24](#)

8.C. RESOLUTION NO. 175-24: ADOPTION OF THE FISCAL YEAR TENTATIVE BUDGET BEGINNING OCTOBER 1, 2024

Recommendation: Motion to adopt Resolution No. 175-24 - Adopting the Tentative Budget for the fiscal year beginning on October 1, 2024 and ending on September 30, 2025.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 175-24 Tentative Budget FY 2025 Revised rev. KWB](#)
[Exhibit A- Resolution 175-24 Budget Hearing 9.3.24](#)
[FY 2024-25 Budget Worksheet 9.3.2024](#)
[City DR420 2024 652](#)
[City-Debt DR420Debt 2024 651](#)
[CRA DR420Tif 2024 652](#)
[Simple Legal Review Approval 175-24](#)

8.D. APPROVAL OF THE 2025 THROUGH 2029 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: Motion to approve the 2025 through 2029 Capital Improvement Program Budget.

Sponsors: Public Works Department and Finance Department

Attachments: [Agenda Cover Report](#)
[DRAFT FY25 CIP BOOK 8.6.2024](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 14-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.11, "RELIEF," TO ELIMINATE THE PUBLIC PARKING FEE PROVISIONS AND TO MODIFY THE REQUIRED FINDINGS AND PROCEDURES FOR APPROVING AN IN-LIEU OF PARKING FEE REQUEST; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TO CORRECT CROSS-REFERENCES AND IMPROVE READABILITY; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," TO ELIMINATE THE PUBLIC PARKING FEE PROVISIONS, MODIFY PROVISIONS ALLOWING FOR ALTERNATE METHODS OF PROVIDING OFF-STREET PARKING, AND ADOPTING STANDARDS FOR AN IN-LIEU OF PARKING FEE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 14-24, a City-initiated amendment to Section 2.4.11, "Relief," Section 4.4.13, "Central Business (CBD) District," and Section 4.6.9, "Off-street parking regulations" of the Land Development Regulations (LDR) to modify the in-lieu of parking fee and to eliminate the public parking fee.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, In-Lieu of Parking Fee](#)
[Ordinance No. 14-24](#)
[Res. No. 80-24 In-Lieu Fee Schedule - Information only](#)
[Business Impact Estimate, Ordinance No. 14-24](#)
[Legal Review, Ordinance No. 14-24](#)

- 9.B.** ORDINANCE NO. 26-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2024-25 TO FY 2028-29 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1 AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 26-24, adopting the 5-Year Capital Improvement Plan for FY 2024-25 through FY 2028-29 and the FY 2024-25 Capital Improvement Budget into the Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 26-24, FY 24-25 CIP](#)
[Exhibit A, Ordinance No. 26-24 | CIP Table, FY24-25](#)
[PZB Staff Report, FY 24-25 CIP](#)
[DRAFT FY25 CIP BOOK](#)
[Business Impact Estimate, Ordinance No. 26-24](#)
[Legal Review, Ordinance No. 26-24](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.