

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Regular Commission Meeting

Regular Meeting at 5:00 PM

Tuesday, June 9, 2026

Commission Chambers

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/@cityofdelraybeachfl/streams>

### City Commission

*Mayor Thomas F. Carney, Jr.*

*Vice Mayor Angela Burns*

*Deputy Vice Mayor Tom Markert*

*Commissioner Judy Mollica*

*Commissioner Juli Casale*

## **RULES FOR PUBLIC PARTICIPATION**

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

### **Public comment shall be allowed as follows:**

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

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

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

## **APPELLATE PROCEDURES**

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

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

3.A. Additions, Deletions, Substitutions

**4. PRESENTATIONS:**

4.A. None

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

5.A. City Manager's response to inquiries and highlights

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:

April 7, 2026 Regular Meeting Minutes - DRAFT

April 21, 2026 Regular Meeting Minutes - DRAFT

May 19, 2026 Budget Workshop Meeting Minutes - DRAFT

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

[April 7, 2026 Regular Meeting Minutes - DRAFT.pdf](#)

[April 21, 2026 Regular Meeting Minutes - DRAFT](#)

[May 19, 2026 Budget Workshop Meeting Minutes - DRAFT.pdf](#)

**6.B. RATIFICATION AND INDEMNIFICATION OF CARLOS PENAGOS IN THE MATTER OF CINDY FALCO-DI CORRADO VS. CITY OF DELRAY BEACH, ET AL**

**Recommendation:** Motion to ratify the actions of and indemnify Police Officer Carlos Penagos in the matter of *Cindy Falco-Di Corrado vs. City of Delray Beach, et al*, pursuant to Section 31.17 of the Delray Beach Code of Ordinances.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

[Summons and Complaint -Carlos Penagos served 5.26.26](#)

**6.C.** ACCEPTANCE OF AN EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE AT 102 SE 5TH AVENUE, TOTALING APPROXIMATELY 729 SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN.

**Recommendation:** Acceptance of a Easement Agreement for Pedestrian Clear Zone between the owner of 102 SE 5th Avenue, 4TRO PROPCO, LLC, and the City of Delray Beach.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Pedestrian Clear Zone Agreement - 102 SE 5th Ave - 4TRO PROPCO, LLC 2](#)  
[Legal Review Easement Agreement for Pedestrian Clear Zone - 102 SE 5th Ave](#)  
[Vicinity Map](#)  
[C100 SITE PLAN](#)  
[Owner's Consent](#)  
[Disclosure of Interests](#)  
[Warranty Deed](#)  
[102 SE 5th Avenue - Photos](#)

**6.D.** ACCEPTANCE OF A LANDSCAPE MAINTENANCE AGREEMENT (LMA) FOR A PORTION OF 102 SE 5TH AVENUE AT THE CORNER OF SE 5TH AVENUE AND SE 1ST STREET.

**Recommendation:** Acceptance of a Landscape Maintenance Agreement (LMA) for a portion of 102 SE 5th Avenue landscape at the corner of SE 5th Avenue and SE 1st Street.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[102 SE 5th Ave Landscape Agreement City](#)  
[102 SE 5th Ave FDOT Landscape Agreement \[Information Only\]](#)  
[Legal Review 102 SE 5th Ave Landscape Agreement City](#)  
[Legal Review 102 SE 5th Ave Landscape Agreement FDOT](#)  
[Approved Site Plan](#)  
[102 SE 5th Avenue - Photos](#)  
[Disclosure of Interests](#)  
[Owner's Consent](#)  
[Vicinity Map](#)  
[Warranty Deed](#)

**6.E.** ITEM(S) 1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 814 SE 2ND AVE.  
ITEM(S) 2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 106 HEATHER LN.

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

Item 1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 814 SE 2nd Ave.

Item 2 - Motion to approve and accept a Right-of-Way Dedication by the owners of 106 Heather Ln.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[A1a - Right of Way Deed - 814 SE 2nd Ave - LM One LLC](#)

[A1b - Legal Review Right of Way Deed - 814 SE 2nd Ave - KM One LLC](#)

[A2a - Right of Way Deed - 106 Heather LN - 106 Heather Lane LLC](#)

[A2b - Legal Review Right of Way Deed - 106 Heather LN - 106 Heather Lane LI](#)

**6.F. APPROVAL OF THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES - FY 2025-2026**

**Recommendation:** Approve the First Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and Delray Beach Community Redevelopment Agency (CRA) for funding Construction/Professional Services related to Capital Improvement Program (CIP) projects within the CRA District for Fiscal Year 2025-2026.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[First Amendment\\_CRA ILA CIP FY 2025-2026](#)

[Simple Legal Review Approval CRA ILA CIP Funding](#)

[ILA CRA CITY for FY25-26 Funding Construction Professional Services](#)

**6.G. APPROVAL OF HOLD HARMLESS AGREEMENT FOR THE SALE OF ONE CANINE**

**Recommendation:** Motion to approve hold harmless agreement for sale of one canine.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)

[K-9 Hold Harmless Margolis-Bo](#)

[Legal Review Checklist K-9 Sale and Hold Harmless Agreement Margolis 2026](#)

**6.H. PROCLAMATIONS:**

6.H.1. None

**6.I. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:****6.I.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM MAY 22, 2026, THROUGH MAY 29, 2026.**

**Recommendation:** By motion, receive and file this report for actions on development application requests from May 22, 2026, through May 29, 2026.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[\(SPRAB 5-27\) 25-27 SE 3rd Avenue, Bungalows Restaurant](#)

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

6.J.1. None

**7. REGULAR AGENDA:****7.A. RESOLUTION NO. 94-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AMENDING THE FISCAL YEAR 2025-26 BUDGET ADOPTED BY RESOLUTION NO.198-25 ON SEPTEMBER 15, 2025.**

**Recommendation:** Motion to Approve Resolution No.94-26 amending the Fiscal Year 2025-26 budget adopted on September 15, 2025.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 94-26](#)  
[Exhibit A 94-26 w backup](#)  
[Simple Legal Review Approval- Dani](#)

**7.B. FOLLOW UP CONSIDERATIONS REGARDING THE TREE TRUST FUND AND COMMUNITY TREE PLANTING PROGRAM**

**Recommendation:** To discuss considerations regarding future community tree planting programming, as well as to provide a follow up commentary relative to the current financial position of the Tree Trust Fund.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Tree Trust Fund Balance - Year to Year - 2026-06-01.xlsx](#)

**7.C. RESOLUTION NO. 102-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE RUN WITH THE CHIEF TO BE HELD JUNE 27, 2027; AUTHORIZING THE CLOSURE OF ATLANTIC AVENUE FROM NW 5TH AVENUE (LIBBY WESLEY PLAZA) TO NE 2ND AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE**

CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Recommendation:** **Recommended Action:**

Review and consider Resolution No 102-26, approving an impact event known as the Run With the Chief which would include the closure of Atlantic Avenue from NW 5th Avenue (Libby Wesley Plaza) to NE 2nd Avenue.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Amended Run With the Chief](#)  
[Run with the Chief - New Route](#)  
[Impact Event Resolution Run With the Chief](#)  
[Simple Legal Review Approval- Dani](#)

**7.D. MOTION TO APPROVE AN EXPENDITURE PLAN FOR OPIOID SETTLEMENT FUNDS FOR 2026-2027**

**Recommendation:** The City Commission is asked to determine appropriate expenditures to include in the 2026-2027 Opioid Settlement Funds expenditure plan to be submitted to the State of Florida.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[FL Opioids Agreement with Exhibits](#)  
[Delray Opioid Settlement Annual Funding Estimate](#)  
[Policy GA-11 - Expenditures of Opioid Litigation Settlement Funds \(signed\)](#)  
[26-27 Available Opioid Funds](#)  
[OSAC recommendation- signed](#)  
[DBDTF Opioid Settlement Suggestions](#)  
[MIH - Detailed Labor Cost-Calculator-2026-Update](#)

**7.E. RESOLUTION NO. 96-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW FREE-STANDING MULTIPLE-FAMILY HOUSING IN THE GENERAL COMMERCIAL ZONING DISTRICT; APPROVING A WAIVER REQUEST TO SECTION 4.3.3(O)(4)(a) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW AN OFFSET OF ZERO FEET BETWEEN TOWNHOMES; APPROVING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW DECORATIVE FENCING IN THE SPECIAL LANDSCAPE SETBACK; APPROVING A WAIVER REQUEST TO SECTION 4.6.9(D)(6)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A 22-FOOT WIDE DRIVE AISLE; APPROVING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A THREE-FOOT BUFFER BETWEEN DRIVEWAYS; APPROVING AN INTERNAL ADJUSTMENT REQUEST TO SECTION 4.6.2(B) OF THE**

LAND DEVELOPMENT REGULATIONS TO ALLOW A MINIMUM SEPARATION DISTANCE OF 25 FEET AND 12 FEET 4 INCHES BETWEEN RESIDENTIAL BUILDINGS; APPROVING THE ADEQUACY OF THE PROPOSED LOADING ACCOMMODATIONS PURSUANT TO SECTION 4.6.10(C) OF THE LAND DEVELOPMENT REGULATIONS; AND APPROVING A LEVEL 4 SITE PLAN, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR THE PROJECT LOCATED AT 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 96-26, approval of a conditional use, four waivers, an internal adjustment, a loading determination, and a Level 4 Site Plan, Landscape Plan, and Architectural Elevations to develop a 47-unit freestanding multi-family condominium in the General Commercial (GC) District located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 96-26, 2419 North Federal Highway](#)  
[Staff Report, 2419 North Federal Highway](#)  
[Project Narrative & Justification Statements \(Level 4 Site Plan\), 2419 North Fed](#)  
[Project Narrative \(Conditional Use\), 2419 North Federal Highway](#)  
[Survey, 2419 North Federal Highway](#)  
[Site Plan, Architectural Plans and Elevations, 2419 North Federal Highway](#)  
[Civil Plans, 2419 North Federal Highway](#)  
[MOT Plan, 2419 North Federal Highway](#)  
[Photometric Plans, 2419 North Federal Highway](#)  
[Landscape Plans, 2419 North Federal Highway](#)  
[Tree Disposition Plan, 2419 North Federal Highway](#)  
[Arborist Report, 2419 North Federal Highway](#)  
[Project Relief Request Form, 2419 North Federal Highway](#)  
[Loading Demand Statement, 2419 North Federal Highway](#)  
[Stacking Distance Reduction Request, 2419 North Federal Highway](#)  
[TPS Letter, 2419 North Federal Highway](#)  
[SCAD Letter, 2419 North Federal Highway](#)  
[Waste Management Letter, 2419 North Federal Highway](#)  
[Simple Legal Review Approval 96-26](#)

7.F. NOMINATION FOR AN APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD. BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR AN APPOINTMENT FOR TWO (2) TAX QUALIFIED MEMBERS AND TWO (2) AT LARGE MEMBERS TO SERVE A TERM ENDING JULY 1, 2029, WILL BE MADE BY MAYOR CARNEY (SEAT #5) DEPUTY VICE MAYOR MARKERT (SEAT #1),

COMMISSIONER MOLLICA (SEAT #2) AND COMMISSIONER CASALE (SEAT #3).

**Recommendation:** Motion to approve the nomination for two **(2) Tax Qualified Members and two (2) At Large Member** to serve a term ending July 1, 2029.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[DDA Board Member List](#)  
[DDA 2026 Attendance](#)  
[DDA Map](#)  
[Amani, Sandra - At Large](#)  
[Arnold, Andrew - Qualified](#)  
[Arsali, Benjamin - Qualified](#)  
[Cannon, Paul - At Large](#)  
[Cantwell, Robert - At Large](#)  
[Cohen, Steven - At Large](#)  
[Devitt, Cole - At Large](#)  
[Donten, Terri - Qualified](#)  
[Fredericks, Carol - At Large](#)  
[Kiser, Mereida - At Large](#)  
[Lakow, Jason - Qualified](#)  
[Purdo, Linda - At Large](#)  
[Rosen, Brian - Qualified](#)  
[Rubenstein, Stuart - At Large](#)  
[Walden, George - At Large](#)  
[Wiggins, Page - At Large](#)

**7.G.** APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT RFQ NO. 2024-031 WITH CORE CONSTRUCTION FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES FOR THE POMPEY PARK RECREATION CENTER PROJECT, ESTABLISHING A GUARANTEED MAXIMUM PRICE (GMP) OF \$59,193,363.00

**Recommendation:** Motion to Approve Amendment No. 2 to Agreement RFQ No. 2024-031 with CORE Construction CMAR Services for the Pompey Park Recreation Center project (Public Works Project No. 16-102), establishing a GMP of \$59,193,363.00.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment No. 2 RFQ 2024-031 \(GMP\)](#)  
[Legal Review Amend. No. 2 to RFQ 2024-041 \(GMP\)](#)  
[Amendment No. 1 RFQ 2024-031](#)  
[Original Agreements RFQ No. 2024-031](#)

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

**8.A.** ORDINANCE NO. 11-26: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," TO CHANGE PET GROOMING FROM A CONDITIONAL USE TO A PERMITTED USE; AMENDING SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," TO CHANGE PET GROOMING FROM A CONDITIONAL USE TO A PERMITTED USE; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS," TO CHANGE PET GROOMING FROM A CONDITIONAL USE TO A PERMITTED USE FOR ALL SUB-DISTRICTS; AMENDING SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," TO CHANGE PET HOTEL, DOMESTIC ANIMAL TRAINING, AND DAYTIME BOARDING FROM A CONDITIONAL USE TO A PERMITTED USE AND CHANGE PET GROOMING FROM A CONDITIONAL USE TO AN ACCESSORY USE; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," TO CHANGE PET HOTEL, DOMESTIC ANIMAL TRAINING, AND DAYTIME BOARDING FROM A CONDITIONAL USE TO A PERMITTED USE AND CHANGE PET GROOMING FROM A CONDITIONAL USE TO AN ACCESSORY USE; AMENDING SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," TO CHANGE PET HOTEL, DOMESTIC ANIMAL TRAINING, AND DAYTIME BOARDING FROM A CONDITIONAL USE TO A PERMITTED USE AND CHANGE PET GROOMING FROM A CONDITIONAL USE TO AN ACCESSORY USE; AMENDING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT," TO CHANGE PET GROOMING FROM A CONDITIONAL USE TO A PERMITTED USE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING / PUBLIC HEARING)

**Recommendation:** Review and consider Ordinance No. 11-26, a City-initiated amendment to Section 4.4.9, "General Commercial (GC) District", Section 4.4.11, "Neighborhood Commercial (NC) District", Section 4.4.12, "Planned Commercial (PC) District", Section 4.4.13, "Central Business (CBD) District", Section 4.4.19, "Mixed Industrial and Commercial (MIC) District", Section 4.4.20, "Industrial (I) District", Section 4.4.26, "Light Industrial (LI) District", and Section 4.4.29, "Mixed Residential, Office, and Commercial District (MROC)" of the Land Development Regulations (LDR) to establish pet grooming as a principal use instead of a conditional use and to establish pet hotels, animal shelters, domestic animal training, and daytime boarding as a principal use instead of a conditional use in the MIC, I, and LI zoning districts.

**Sponsors:** Development Services Department

**Attachments:**      [Agenda Cover Report](#)  
[Ordinance No. 11-26, Pet Services](#)  
[PZB Staff Report, Pet Services](#)  
[Legal Review, Ordinance No. 11-26](#)  
[Business Impact Estimate, Ordinance No. 11-26 Pet Services](#)  
[Proof of Display Ad, Ordinance No. 11-26](#)

## **9. FIRST READINGS:**

9.A. None

## **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.