

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Tuesday, February 4, 2025

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
treams

City Commission

Mayor Thomas F. Carney, Jr.

Vice Mayor Juli Casale

Deputy Vice Mayor Rob Long

Commissioner Tom Markert

Commissioner Angela Burns

1. ROLL CALL

The Regular City Commission Meeting was called to order at 5:03 p.m. City Clerk, Alexis Givings, called the role, and the following were present:

Terrence Moore - City Manager
Lynn Gelin - City Attorney

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Vice Mayor Casale requested that Consent Item No. 6.A. be pulled for discussion. It became Item No. 7.A.A. on the Regular Agenda.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that the Agenda be approved as amended.

all were in favor

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. 211 AWARENESS WEEK - FEBRUARY 11-17, 2025

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Delray-211 Awareness Week Feb 2025](#)

Sharon L'Herrrou, President and CEO of 211 of Palm Beach County and the Treasure Coast, delivered a presentation highlighting the agency's mission and the lifesaving work they do. She expressed her gratitude to the Commission for their support. Mayor Carney then presented her with a proclamation.

4.B. CERTIFICATE OF RECOGNITION FOR 28 DAYS OF "I AM BLACK HISTORY"

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[I AM Black History Month](#)

Ann Stacey Wright thanked the Commission for acknowledging the Set Community.

Mayor Carney presented her with a certificate of recognition.

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

Mr. Moore stated that Bernard Pita from Calvin Giordana & Associates would deliver his preliminary analysis of the Code Enforcement assessment that his company was hired to perform.

5.A.1. PRESENTATION OF CODE ENFORCEMENT DIVISION ANALYSIS UPDATE BY CALVIN, GIORDANO & ASSOCIATES

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Bernard Pita from Calvin Giordana & Associates outlined his firm's utilization and the timeline for presenting a complete assessment to the Commission regarding the City's Code Enforcement Division by March 2025.

Vice Mayor Casale voiced her concern that the report failed to address specific departmental issues.

Mayor Carney thanked Mr. Pita for his time.

5.B. From the Public

Sean Twright, 5419 Greenwood Drive, Delray Beach
Discussed his disapproval of the Commission, the City Manager, the Police Chief and the City Attorney.

Mitchell Revosine, 11105 Kingston Lane, Delray Beach
Discussed the noise emanating from PopStroke.

Pamela Williams, 245 NW 8th Avenue, Delray Beach
Requested increasing the presence of Police and Code Enforcement at the Bi-Low Market.

Harvey Brown, 200 South Ocean Blvd, Delray Beach
Discussed the improvements being made to Swinton Avenue while expressing concerns about the parking lot at Unity School and Church.

Cynthia Ridley, 210 NW 2nd Avenue, Delray Beach
Mentioned that on Saturday, February 8, 2025, there will be a celebration for former Commissioner David Randolph at the Delray Beach Golf Club.

George Long, 46 North Swinton Avenue, Delray Beach

Praised the Code Enforcement Department for their work.

Commissioner David Randolph, 105 NW 11th Avenue, Delray Beach
Thanked the Commission and staff for all they do.

Greta Britt, Saint Paul AME Church
Invited the Commission to the 68th Annual Tea at Pompey Park on
February 16th at 3:00 p.m. Commissioner Burns will be honored.

James Quinlin, 925 SW 2nd Avenue, Delray Beach
Inquired about plans for the City Marina and requested that residents be
informed.

Seeing no one else present, Mayor Carney closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor
Long, that the Consent Agenda be approved as amended.

all were in favor

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 21, 2025 Regular Meeting Minutes - DRAFT](#)

Vice Mayor Casale requested to pull Consent Item No. 6.A. for discussion.
It became Item No. 7.A.A. on the Regular Agenda.

Vice Mayor Casale noted that the minutes from January 21, 2025, should
have reflected Unity School, not Palm Beach County School.

A motion was made by Commissioner Burns, seconded by Commissioner
Markert, that the Minutes be approved as amended.

all were in favor

**6.B. INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF
THE 2025 DELRAY BEACH OPEN**

Sponsors: Parks & Recreation Department

- Attachments:** [Agenda Cover Report](#)
[ILA with CRA for Tennis Partnership 2024-2025.doc](#)
[Exhibit A](#)
[ILA on DBO with CRA LR.docx](#)
[2024 Delray Beach Open Economic Impact.pdf](#)

This Request was approved.

- 6.C.** APPROVAL FOR ADDITIONAL SPENDING AND CONTRACT INCREASE TO SOURCEWELL RFP NO. 041123 WITH MUSCO LIGHTING LLC FOR SPORTS LIGHTING SOLUTIONS WITH RELATED TECHNOLOGY, EQUIPMENT AND SERVICES FOR RETROFIT OF LIGHTING AT MILLER PARK FIELDS FOUR AND FIVE AND REPLACEMENT PARTS FOR LIGHT POLE AT FIELD 2 IN THE AMOUNT OF \$387,746 FOR A REVISED TOTAL OF \$1,311,807.

Sponsors: Parks & Recreation Department

- Attachments:** [Agenda Cover Report](#)
[Musco Miller Fields 4 and 5 quote.pdf](#)
[Miller Park Ballast Field2 quote.pdf](#)
[Sourcewell Contract RFP041123.pdf](#)
[Fully Executed-Agreement - Musco Sports Lighting, LLC..pdf](#)

This Request was approved.

6.D. PROCLAMATIONS:

- 6.D.1.** OBSERVANCE OF PRESIDENTS' DAY - FEBRUARY 17, 2025

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[President's Day Proclamation - 2025](#)

This Proclamation was approved.

- 6.D.2.** BLACK HISTORY MONTH PROCLAMATION

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Black History Month 2025](#)

This Proclamation was approved.

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

6.E.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM JANUARY 6, 2025, THROUGH JANUARY 24, 2025.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[HPB \(1-15\) 236 Dixie Boulevard](#)
[HPB \(1-15\) 310 NE 1st Avenue](#)
[SPRAB \(01-22\) 1215 Milfred Street](#)
[ADMIN 251 NW 18th Ave](#)

This Request was approved.

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. APPROVAL OF RESOLUTION NO. 13-25 TO AWARD AN AGREEMENT WITH ADVANCE STORES COMPANY, INC. DBA ADVANCE AUTO FOR THE PURCHASE OF AUTOMOTIVE PARTS, FLUIDS, EQUIPMENT, AND MAINTENANCE SERVICES UTILIZING BUYBOARD NO. 715-23 IN THE AMOUNT OF \$70,000

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res. No. 13-25 Advance Auto](#)
[Agreement P2025-003](#)
[Exhibit A to Agreement P2025-003](#)
[Legal Review Checklist Advance Auto Parts 1.16](#)
[BuyBoard Contract No. 715-23 - Renewal](#)
[BuyBoard Contract No. 715-23](#)
[Buyboard Bid Tabulation Contract No. 715-23](#)
[BuyBoard RFP No. 715-23](#)

This Resolution was approved.

6.F.2. APPROVAL OF RESOLUTION NO. 19-25 TO AWARD AN AGREEMENT TO M&M ASPHALT MAINTENANCE, INC. DBA ALL COUNTY PAVING FOR CONSTRUCTION SERVICES FOR THE OLD GERMANTOWN ROAD BICYCLE & PEDESTRIAN IMPROVEMENTS PROJECT PURSUANT TO INVITATION TO BID CONSTRUCTION (ITBC) 2025-001 IN THE AMOUNT OF \$5,990,000.00

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 19-25](#)
[ITBC 2025-001 Agreement FINAL](#)
[Legal Review Checklist Old Germantown Road](#)
[FDOT Award Approval](#)
[Tabulation Packet for ITBC2025-001](#)
[Packet for Bid ITBC2025-001](#)

This Resolution was approved.

6.F.3. MOTION TO APPROVE A CONTINUITY OF SERVICES AGREEMENT WITH FLIPSIDE GEOGRAPHICS, LLC FOR THE COMPLETION OF GIS CONSULTING SERVICES WHILE THE CITY ENGAGES IN A COMPETITIVE SOLICITATION

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[Best Interest - Flipside GEO - 01212025 - signed](#)

This Request was approved.

6.F.4. APPROVAL TO RETROACTIVELY APPROVE RESOLUTION NO. 32-25 TO PURCHASE TEMPORARY OFFICE SPACE UTILIZING SS2025-007 WITH FORTS SERVICES, LLC. IN THE AMOUNT OF \$15,000.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Resolution 32-25 Forts Suites](#)
[Simple Legal Review Approval Forts Suites](#)
[SS2025-007 Forts- signed](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. THE CITY COMMISSION OF THE CITY OF DELRAY BEACH WILL DECIDE WHETHER TO DISCONTINUE THE ADDITION OF FLUORIDE TO THE CITY'S POTABLE WATER SYSTEM.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[FDOH GUIDANCE Community Water Fluoridation](#)

Hassan Hadjimiry, Director of Utilities, introduced Dr. Joseph Ladapo, the Surgeon General of Health for the State of Florida. Dr. Ladapo discussed the future of fluoridating the City's drinking water in light of the construction of the new Water Treatment Plant. He shared the latest findings from the National Toxicology Department regarding water fluoridation, which have indicated potential neurotoxic harm to individuals, particularly children and pregnant women, who consume fluoridated water. Dr. Ladapo stated that since fluoride became available in toothpaste and mouthwash in 1975, his recommendation would be to discontinue fluoridating the drinking water.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Dr. Jeffrey Ganeles, 2365 NW 46th Street, Boca Raton
Mentioned he has an extensive 35-year career in periodontal care and education. He emphasized the importance of growing up with fluoridated water, which contributes to healthier teeth and fewer cavities in adulthood. Dr. Ganeles proposed hosting a workshop to discuss further findings and suggested reaching out to other dental publications for their input.

Dr. Richard Kitt, 6100 Glades Road, Boca Raton
Referenced recent publications recommending that fluoridation should continue in the water supply, particularly for underprivileged communities.

Angela Hill, 1103 NW 3rd Terrace, Delray Beach
Preferred to obtain fluoride from toothpaste and mouthwash for her family.

Dr. Bruce Tandy, 100 Macfarlane Drive, Delray Beach
Teaches dentistry at Nova University and practices charity dental work.

Stated that after 30 years of dental practice, he has observed a noteworthy difference in patient outcomes between those consuming fluoride and those using unfluoridated water. He mentioned his concerns that removing fluoride from the water supply would lead to an increased need for dental specialists, thereby putting more strain on patients.

Jean Marie Nacer, (registered nurse) 9473 Glider Way, Boca Raton
Stated each individual should have a choice regarding fluoride intake, and adding it to the water supply removes that choice.

Seeing no one else present, Mayor Carney closed public comments.

Discussion ensued with the Commission concerning this matter.

Deputy Vice Mayor Long acknowledged the overwhelming information on this topic but stated that he would support a "yes" vote that evening.

Commissioner Burns stated she conducted a survey, revealing most individuals oppose having fluoride forced upon them in their water.

Vice Mayor Casale acknowledged that over the past 25 years, numerous studies have supported the addition of fluoride to drinking water, along with endorsements from various health organizations. She expressed a desire to see more recent data before considering a vote against adding fluoride to the water.

Dr. Ladapo advised that disregarding warnings about fluoride levels in drinking water was irresponsible, according to the evidence.

Commissioner Markert suggested holding a workshop on this issue due to significant division among the City Commission.

Mayor Carney expressed his discomfort with mandating fluoride for those who can access it through other means, such as toothpaste and mouthwash.

The Commission thanked Dr. Lapado for his efforts and for coming to Delray Beach.

A motion was made by Commissioner Burns, seconded by Vice-Mayor Casale, to eliminate fluoride in the City's water. The motion carried by the following vote:

Yes: 2 - Commissioner Burns, and Mayor Carney Jr.

No: 3 - Deputy Vice Mayor Long, Commissioner Markert, and Vice-Mayor Casale

7.B.

RESOLUTION NO. 09-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AFFIRMING ITS APPEAL OF THE PLANNING AND ZONING BOARD'S SIMILARITY OF USE DETERMINATION FINDING THAT THE OPERATION OF A GUNITE YARD IS CONSISTENT WITH THE MANUFACTURING AND WHOLESALE OF FINAL PRODUCTS USING CERAMICS AND PLASTER MATERIAL WITHIN THE MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 09-25 Appeal of Similarity of Use Determination](#)
[Similarity of Use Staff Report](#)
[Photos obtained from Delray Beach Code Enforcement](#)
[Applicant Narrative](#)
[Calabash Gunite Permits](#)
[DEP Registration](#)
[Plaster - Wikipedia](#)
[Simple Legal Review Approval 09-25](#)

Lynn Gelin, City Attorney, entered Resolution No. 09-25 into the record. Mayor Carney asked his colleagues to disclose any ex-parte communications:

Vice Mayor Casale: Spoke with the representative for the applicant.
Commissioner Burns: Spoke with Mr. Schiller.
Commissioner Markert: Spoke with Mr. Schiller.
Mayor Carney: Spoke with Mr. Schiller.
Deputy Vice Mayor Long: Spoke with Mr. Schiller.

Alexis Givings, City Clerk, swore in those individuals who wished to provide testimony on this item.

Amy Alvarez, entered File No. 2024-232 into the record.

Mr. Schiller, attorney for the applicant (Calabash Gunite Inc.), stated he was present to request the Commission to uphold the Planning and Zoning Board's approval of 4-1 for this item, located at 135 North Congress Avenue. This product is similar to the wholesaling and distribution of final products made from ceramics and plaster, a use that is permitted in the Mixed Use Commercial (MIC) District. He noted this project would not appear as an appealable item on a future agenda.

Julian Gdaniec, Senior Planner, provided a staff report on this item. He stated that if the Commission approved this item, a gunite yard would be permitted throughout the entire MIC District, not just at this location.

Mayor Carney opened the floor to anyone who wished to speak on this item. Seeing no one present, Mayor Carney closed the floor.

There was no cross-examination or rebuttal from either side.

The Commission engaged in a discussion on how to proceed if they decide to uphold the Planning and Zoning Board's decision.

A motion was made by Vice Mayor Casale to deny Resolution No. 09-25, seconded by Commissioner Burns. The motion carried by the following vote:

Yes: 5 - Mayor Carney, Vice Mayor Casale, Deputy Vice Mayor Long, Commissioner Markert, and Deputy Vice Mayor Long.

failed

There was a consensus to direct staff to create a text amendment and conditional use agreement for the Commission's review, addressing all concerns, including compatibility with the surrounding neighborhood.

7.C.

NOMINATION FOR AN APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB). BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR AN APPOINTMENT FOR ONE (1) REGULAR MEMBER TO SERVE AN UNEXPIRED TERM ENDING AUGUST 31, 2025, WILL BE MADE BY COMMISSIONER MARKERT (SEAT #1).

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Site Plan Review and Appearance Board](#)
[SPRAB ATTENDANCE](#)
[Amani, Sandra](#)
[Baffer, Ben](#)
[Godbout, Christina](#)
[Keane, Kevin](#)
[King, Cara](#)
[Kiselewski, Karen](#)
[Lloyd, Cynthia](#)
[Ramirez, Aura](#)
[Talbot, Rettig](#)

Cynthia Lloyd was appointed.

A motion was made by Commissioner Markert, seconded by Deputy Vice Mayor Long, that this Appointment be approved.

all were in favor

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

7.D.

CITY ATTORNEY'S MERIT INCREASE

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[City Attorney Performance Evaluation 2025](#)

Dot Bast, Human Resources, reported that Ms. Gelin’s overall performance score was 4.72 out of a possible 5.

Mayor Carney proposed modifying the performance evaluation form for the City Attorney and City Manager to allow more input.

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, to award a 5% merit increase.

all were in favor

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

Asked for a consensus for 2 Shade Meetings:

February 25, 2025 @ 3:00 p.m..

A motion was made by Commissioner Burns, seconded by Commissioner Markert, to approve this shade meeting.

all were in favor

February 25, 2025 @ 3:30 p.m.

A motion was made by Commissioner Burns, seconded by Commissioner Markert, to approve this shade meeting.

all were in favor

C. City Commission

Vice Mayor Casale:

- Expressed her gratitude to Fire Chief Martin for his quarterly report.
- Noted that his department's operational expenses had decreased.
- Voiced her support for his zero-based budgeting approach.
- Discussed her expectations for the new Code Enforcement Supervisor and the department.
- Mentioned the noise complaint coming from PopStroke. Ms. Gelin noted that the Code Enforcement Department was addressing the issue.
- Commended Police Chief Mager for his swift internal investigation into a particular situation.
- Inquired about the amount the City was recovering from its insurance company for the damaged fire truck. Mr. Moore mentioned that he is still in discussions with the insurance company, and there will be a specific update on this matter at the meeting scheduled for February 18, 2025. Vice Mayor Casale expressed her opposition to using reserve funds to replace the damaged fire truck, stating that she believed the City was underinsured.
- Mentioned that in the past, the City had opted to borrow money instead of using available funds, which created the appearance of stronger financial reserves.

Deputy Vice Mayor Long:

- Thanked the Police Department for the raid on the Bi-Low Market.
- Inquired about a stacking lane near Unity School during the construction of Swinton Avenue.

Commissioner Burns:

- Commended the Police Department for the Bi-Low Market sting operation.
- Thanked the Finance Director for meeting with her.
- Invited the Commission and community to a meeting at the Delray Historical Society on the Civil Rights Movement in Delray Beach on February 6, 2025 @ 6:00 p.m.
- Shared a letter that she wrote regarding the conduct of the Commission.

Commissioner Markert:

- Thanked Police Chief Martin and Police Chief Mager for their

efforts.

- Thanked Mr. Moore for allowing American Heritage students to spend a day at City Hall to observe the functions of each department.

Mayor Carney:

- Mentioned that the City may be taking control of some traffic signals from Florida Department of Transportation. He stated that details would follow.
- Acknowledged the thorough investigation conducted into the Code Enforcement Division.
- Mentioned having a dedicated meeting focusing on Education because it will involve an Interlocal Agreement and Comprehensive Plan. Mr. Moore proposed scheduling the Education Workshop Meeting for March 27, 2025 @ 4:00 p.m. There was a consensus to schedule the meeting.
- Supported the implementation of Zero-Based Budgeting.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 7:34 p.m.

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.