

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, June 6, 2023

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Ryan Boylston
Deputy Vice Mayor Rob Long
Commissioner Adam Frankel
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. PRESENTATION BY STATE LOBBYIST MAT FORREST DETAILING FINAL LEGISLATIVE OUTCOMES AND RESULTING RECORD OF ACHIEVEMENTS**

Sponsors: City Manager Department

4.B. PRESENTING OFFICERS ANTHONY PEREZ & DANIEL FERREIRO WITH EMPLOYEE OF THE MONTH FOR APRIL 2023.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Officers Anthony Perez and Daniel Ferreiro](#)

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.A.1. STATUS AND DIRECTION REGARDING HOMELESSNESS SERVICES AND RELATED PROGRAMMING IN DELRAY BEACH

Sponsors: City Manager Department

5.A.2. REVIEW AND EVALUATION OF THE STATE HISTORIC PRESERVATION GRANT PROGRAM CONCERNING THE DELRAY BEACH MUNICIPAL GOLF COURSE

Sponsors: City Manager Department

5.A.3 MONTHLY PROGRESS UPDATE REGARDING PURCHASING & PROCUREMENT ACTIVITIES

Sponsors: City Manager Department

5.B. From the Public

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[May 9, 2023 Workshop Meeting Minutes](#)
[May 16, 2023 Workshop Meeting Minutes](#)
[May 16, 2023 Regular Meeting Minutes.docx](#)

6.B. APPROVAL OF RESOLUTION 01-23 APPROVING AGREEMENT WITH VELOCITY SYSTEMS, LLC FOR PURCHASES OF LAW ENFORCEMENT PROTECTIVE EQUIPMENT, UTILIZING GENERAL SERVICES ADMINISTRATION CONTRACT GS-07F--0181V - \$90,000.

Sponsors: Purchasing Department and Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Velocity](#)
[Velocity Systems Quote](#)
[GS-07F-0181V Velocity Systems LLC GSA contract](#)
[Resolution 01-23 Velocity Systems LLC Law Enforcement Protective Equipmen](#)
[Vendor Signed Agreement](#)

6.C. APPROVAL OF RESOLUTION NO. 99-23 TO APPROVE THE ISSUANCE OF A PURCHASE ORDER TO PHOENIX TRADING INC. FOR THE PURCHASE OF FLUID PATROL 29 RIGID INFLATABLE BOAT UTILIZING GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT NO. 47QMCA18D0006 FOR THE POLICE DEPARTMENT- \$199,227.20.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[GSA Contract 47QMCA18D0006 - Fluid Patrol Boat](#)
[Delray Beach PD Patrol 29 Quote](#)
[Legal Review Checklist_Phoenix Trading](#)
[VENDOR SIGNEDPhoenix Trading Inc. Agreement](#)
[Resolution 99-23 Phoenix Trading Inc for purchase of Fluid Patrol 29 Rigid Infla](#)
[Phoenix Trading Inc. Agreement Draft KM 5-1-2023 lw rev finalized](#)

6.D. GRANT APPLICATION / DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Application Draft - Bulletproof Vest Partnership 2023 rev](#)

6.E. RESOLUTION NO. 77-23: APPROVING AN AGREEMENT WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY SETTING FORTH THE OBLIGATIONS AND REQUIREMENTS TO PARTICIPATE IN THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH SCHOLARSHIP PROGRAM

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
 [Legal Review ELC FY23-24](#)
 [ELC Provider Contract FY23 24](#)
 [ELC Res 77-23 FY23 24](#)

- 6.F.** RESOLUTION NO. 79-23: APPROVING AN AGREEMENT WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY TO PARTICIPATE IN THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY SCHOLARSHIP PROGRAM AND RECEIVE PAYMENTS BASED UPON THE SCHOLARSHIP PROGRAM ELIGIBILITY GUIDE.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
 [Legal Review CSC Provider Agreement FY23 24](#)
 [CSC Provider Agreement FY23 24](#)
 [CSC Res No. 79-23 FY23 24](#)

- 6.G.** APPROVAL OF THE SOLE SOURCE LETTER FOR THE USE OF THE CENTER FOR PUBLIC SAFETY EXCELLENCE'S TECHNICAL ADVISOR PROGRAM FOR THE RE-ACCREDITATION PROCESS FOR THE FIRE RESCUE DEPARTMENT, \$74,790.

Recommended Action:

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
 [Delray Beach FL - CPSE Sole Source - 3.1.23](#)
 [Delray Beach FL - CPSE Total Self-Assessment without Site Study Proposal - ;](#)
 [SS2023-011 CPSE Taps - signed](#)
 [Legal Review Checklist CPSE TAPS](#)
 [RESOLUTION NO 81-23](#)
 [Delray Beach FL - CPSE Professional Services Agreement - TSA -6.1.23 clean](#)

- 6.H.** RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF APRIL 24, 2023, AND APPROVAL OF THEIR FY2023/2024 PROPOSED BUDGET.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
 [2024 Approved Budget.pdf](#)
 [FY2024 Delray Beach Ratification.pdf](#)
 [Simple Legal Review Approval Ratification of South Central Regional Wastewat](#)

- 6.I.** APPROVAL OF RESOLUTION NO. 76-23 APPROVING AN AGREEMENT WITH FISHER SCIENTIFIC COMPANY, LLC., FOR PURCHASE OF LABORATORY EQUIPMENT, PURSUANT TO THE UNIVERSITY OF CALIFORNIA RFP SOLICITATION NO. 002101 IN AN AMOUNT NOT TO EXCEED \$64,871.18

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist 4.17.23.pdf](#)
[Resolution 76-23 University of California Piggyback Fisher Scientific.pdf](#)
[Agreement Vendor Executed.pdf](#)

6.J. APPROVAL OF RESOLUTION NO. 97-23 TO AWARD AN AGREEMENT WITH ROOF PAINTING BY HARTZELL, INC., FOR AN AMOUNT NOT TO EXCEED \$83,694.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[MSA - Roof Painting by Hartzell piggyback Miami Beach.doc](#)
[Legal Review Checklist MSA with Painting by Hartzell piggyback Miami Beach.r](#)
[Res 97-23 Roof Painting by Hartzell Inc Piggyback.docx](#)

6.K. APPROVAL OF RESOLUTION NO. 87-23 AND TO APPROVE AN AMENDMENT TO MASTERS SERVICES AGREEMENT RE: PARTICIPANTS WITH BANK OF AMERICA, N.A. FOR EPAYMENT SOLUTIONS AND SERVICES UTILIZING EXISTING CONTRACT WITH ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[CFX \(BOA\) Participant Rider 10-31-22 cln.pdf](#)
[Legal Review Checklist Amd to MSA re Participants with BOA piggyback Orang](#)
[Resolution No. 87-23 Bank of America transactions.pdf](#)
[ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY BAMS MSA 0614](#)
[Central FL Express \(BAMS\) Payeezy Addn \(03.30.20\) FE.pdf](#)

6.L. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SETTLEMENT DOCUMENTS RELATED TO THE CITY'S PARTICIPATION IN THE MULTI-DISTRICT PFAS LITIGATION AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; APPROVING THE CITY'S PARTICIPATION AS A SETTLEMENT CLASS REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department and Ingles

Attachments: [Agenda Cover Report](#)
[Resolution 115-23](#)
[2023.05.30 MOU](#)
[2023.05.30 MSA](#)
[DuPont Allocation Procedures Executive Summary](#)

6.M. PROCLAMATIONS:

6.M.1. PROCLAMATION LGBTQ PRIDE MONTH

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[LGBTQ Pride Month](#)

6.M.2. PROCLAMATION RECOGNIZING JUNE 5-9, 2023 AS CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Code Enforcement Appreciation Week](#)

6.N. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.N.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM THE SPRAB MEETING OF MAY 10, 2023.**

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPRAB \(5-10\) Delray Ridge](#)
[SPRAB \(5-10\) 1225 NW 17th Ave](#)
[SPRAB \(5-10\) The Linton](#)

6.O. AWARD OF BIDS AND CONTRACTS:

6.O.1. None

7. REGULAR AGENDA:**7.A. RESOLUTION NO. 94-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DESIGNATING A PORTION OF THE UNNAMED, UNIMPROVED ALLEY LOCATED WEST OF PALM TRAIL, BETWEEN BOND WAY AND WITHERSPOON LANE, AS MORE PARTICULARLY DESCRIBED HEREIN, AS KENMONT LANE; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 94-23 - Establishing the Name Kenmont Lane](#)
[PZB Staff Report - Kenmont Lane](#)
[First Addition to Kenmont 1948](#)
[Legal Review](#)

7.B. RESOLUTION NO. 104-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROPERTY LOCATED AT 319 NE 3rd AVENUE, AS MORE PARTICULARLY

DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res No. 104-23](#)
[Staff Advisory Board Memo](#)
[Applicant Justification Statement](#)
[Architectural plans \(for reference only\)](#)
[Legal Review Reso 104-23](#)

- 7.C.** RESOLUTION NO. 113-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING RESOLUTION NO. 45-23 IN ITS ENTIRETY; GRANTING A WAIVER REQUEST TO SECTION 4.3.4(K) OF THE LAND DEVELOPMENT REGULATIONS APPROVING A DWELLING UNIT WITH 864 SQUARE FEET OF FLOOR AREA FOR THE PROPERTY LOCATED AT 1115 NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL HEARING).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[1115 N. Swinton Ave - Resolution 113-23](#)
[1115 N. Swinton Ave - Applicant Justification Statement](#)
[1115 N. Swinton Ave - Property Survey](#)
[1115 N. Swinton Ave - Legal Review](#)

- 7.D.** APPROVAL OF RESOLUTION NO. 82-23 FOR ISSUANCE OF A PURCHASE ORDER WITH TRI-NOVA, INC., UNDER AN APPROVED CITY STANDARD, IN AN AMOUNT NOT TO EXCEED \$127,516.85.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Prominent Pumps - City Standard Approval Memo - signed valid thru 6-24.pdf](#)
[City of Delray Beach - ProMinent Ferric Chloride Pentaplex Skid - Qte1224756 \(](#)
[City of Delray Beach - ProMinent Fluoride Triplex Skid - Qte1224776 031023.pc](#)
[City of Delray Beach - ProMinent Phosphate Pentaplex Skid - Qte1224762 0310](#)
[Legal Review Res 82-23 - TriNova City Standard for ProMinent Pumps for WTP](#)
[Res 82-23 TriNova - City Standard - Purchase Orders Prominent Pumps for WT](#)

- 7.E.** NOMINATION FOR AN APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Downtown Development Authority](#)
[DDA Board Attendance](#)
[DDA Map](#)
[Arts](#)
[Blumenfeld](#)
[Brewer](#)
[Burgess](#)
[Cantwell](#)
[Carstarphen](#)
[Cohn](#)
[Dadich](#)
[Devitt](#)
[Dockerty](#)
[Grimes](#)
[Hallyburton](#)
[Kaufman](#)
[Leish](#)
[Mollica](#)
[Noffsinger](#)
[O'Conner](#)
[Platt](#)
[Rindos](#)
[Rosen](#)
[Sylvester](#)
[Thompson](#)
[Zengage](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 06-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A 1.78 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF LAKE IDA ROAD AND NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Cason Court - Ord 06-23](#)
[Cason Court - PZ Report](#)
[Cason Court - Existing and Proposed Land Use](#)
[Cason Court - Justification Statement](#)
[Cason Court - TPS Letter](#)
[Cason Court - Traffic Impact Statement](#)
[Cason Court - Legal Review Form](#)
[Delray Ord #06-23 #07-23 June 6 2023 May 27 2023.pdf](#)

- 8.B.** ORDINANCE NO. 07-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 2.83 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION AT LAKE IDA ROAD AND NORTH SWINTON AVENUE, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / PUBLIC HEARING / QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Cason Court - Ord 07-23](#)
[Cason Court - PZ Report](#)
[Cason Court - Existing and Proposed Zoning](#)
[Cason Court - Justification Statement](#)
[Cason Court - TPS Letter](#)
[Cason Court - Traffic Impact Statement](#)
[Cason Court - Legal Review Form](#)
[Delray Ord #06-23 #07-23 June 6 2023 May 27 2023.pdf](#)

- 8.C.** ORDINANCE NO. 20-23. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND REDESIGNATING A PARCEL OF LAND APPROXIMATELY 0.63 ACRES IN SIZE LOCATED AT 214 NE 22ND LANE, PRESENTLY ZONED NEIGHBORHOOD COMMERCIAL (NC), TO SINGLE FAMILY RESIDENTIAL (R-1-AA), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
 [Ordinance No. 20-23](#)
 [PZB Staff Report](#)
 [Legal Review](#)
 [Proof of Legal Ad](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 19-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE 7, "TRAFFIC CODE," CHAPTER 71, "PARKING REGULATIONS," SUBCHAPTER "PARKING REGULATIONS," SECTION 71.017, "STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED AREAS," TO PROHIBIT A VEHICLE FROM STOPPING, STANDING, OR PARKING ON THE SWALE AREA; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
 [Ord 19-23 Amending Code of Ordinances re Parking in Swales](#)
 [Legal Review Ord 19-23 Prohibition of Parking on Swales](#)

- 9.B.** ORDINANCE NO.17-23 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", SECTION 96.02, "FIRE SAFETY INSPECTIONS" TO REQUIRE ALL FIRE PROTECTION SYSTEM REPORTING TO BE DONE THROUGH THE CITY'S INTERNET-BASED REPORTING SYSTEM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (FIRST READING).

Recommended Action:

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
 [Simple Legal Review Approval Fire Reporting](#)
 [Fire Reporting Ordinance 4.25.23](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission

11. ADJOURNMENT