City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444 Phone: (561) 243-7000 www.delraybeachfl.gov



Minutes - Draft

Tuesday, January 7, 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 5:00 p.m. City Clerk, Alexis Givings, called the role, and the following were present:

Terrence Moore - City Manager Lynn Gelin - City Attorney

Present: 5 - Deputy Vice Mayor Rob Long, Commissioner Angela Burns, Commissioner Tom Markert , Vice-Mayor Juli Casale, and Mayor Thomas F. Carney Jr.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Carney recognized the passing of President Jimmy Carter.

3. AGENDA APPROVAL

City Attorney Lynn Gelin requested that Item No. 8.B. (Ordinance No. 37-24) be pulled until a date certain.

A motion was made by Commissioner Burns, seconded by Commissioner Markert, that this be approved.

all were in favor

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTATION BY MAT FORREST OF BALLARD PARTNERS REGARDING THE UPCOMING FLORIDA LEGISLATIVE SESSION.

Sponsors: City Manager Department

Attachments: Agenda Cover Report

Matt Forrest provided the timeline for the upcoming 2025 legislative session in Tallahassee, which began in January and runs until May 2nd. He stated the new Chairman aims to align projects with State interests and would be scaling back on some projects. Mr. Forrest noted that when the City allocates funds for a project, the State is more likely to provide financial support to complete it.

The Commission thanked Mr. Forrest for his efforts.

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 provided an update on the investigation regarding the accident that occurred on December 28, 2024, involving Brightline. He stated that a detailed analysis would be forthcoming.

Mayor Carney stated the investigation results would be made public for complete transparency.

5.A.1.PRESENTATION CONCERNING NEW PARKING AVAILABILITY OPTION
ON THE CITY OF DELRAY BEACH PHONE APP

Sponsors: Public Works Department

Attachments: Agenda Cover Report

Missie Barletto, Director of Public Works, provided a brief presentation on the City's new parking app. The app offers real-time information about all available paid parking spaces throughout the city; however, it currently does not include the railroad lot.

The Commission thanked Ms. Barletto for her efforts.

5.A.2. OVERVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACTING

Sponsors: City Manager Department

Attachments: Agenda Cover Report

Kent Edwards and Chris Chitester from the Office of Sustainability presented a follow-up from the November 19, 2024, Commission Meeting regarding Energy Savings Performance Contracting (ESPC). Mr. Chitester stated that ESPC was a financing mechanism that allowed public agencies to implement energy efficiency improvements, resulting in significant cost savings and sustainability benefits without requiring any upfront taxpayer capital investment. He mentioned that the energy cost savings improvements generated would fund the project, resulting in a cost-saving neutral solution.

Mr. Edwards stated that ESPC offers several advantages, such as energy cost savings, budget preservation, reduced maintenance expenses, and environmental sustainability. He noted navigating through the ESPC process requires collaboration from staff in finance, legal, and facilities management. Mr. Edwards recommended the City continue researching ESPC to understand its implementation for Delray Beach and return to the Commission with a detailed presentation.

The Commission thanked Mr. Edwards and Mr. Chitester for their efforts.

5.A.3. POLICY CONSIDERATIONS REGARDING FLUORIDATION OF POTABLE WATER

<u>Sponsors:</u> Utilities Department

Attachments: Agenda Cover Report

Mr. Moore stated the Florida Department of Health and the State Surgeon General were recommending that municipalities stop adding fluoride to their public water systems.

Hassan Hadjimiry, Director of Public Utilities, emphasized that choosing to fluoridate or not fluoridate the City's water is essential as the City constructs its new Water Treatment Plant. He noted that raw water already contains a small percentage of fluoride before any additional fluoride is added. He also mentioned neighboring municipalities have eliminated fluoridating their water, and some never practiced it at all.

The City Commission asked that more information be provided prior to making a decision regarding fluoridation.

Mr. Moore stated he would reach out to professionals to identify the pros and cons of this issue and schedule a meeting for them to address the Commission in February.

The Commission thanked Mr. Hadjimiry for bringing this to their attention.

5.B. From the Public

<u>Pame' Williams</u>, 245 NW 8 Avenue, Delray Beach Spoke about the recent shooting at the Bi-Low Market.

<u>Cynthia Ridley</u>, 210 NW 2 Avenue, Delray Beach Thanked the employees for the 12 days of the Christmas toy drive.

<u>Andrew Broadband</u>,13214 Barwick Road, Delray Beach Discussed the accident at SE 1 Avenue, Delray Beach.

<u>Dr. Ashley Ridley</u>, 210 NW 8 Avenue, Delray Beach Spoke about the Drug Abuse Foundation located at 400 S. Avenue, which offers a wide range of treatments.

<u>Mary Carstarphen</u>, 619 SW 7 Avenue, Delray Beach Discussed her unfavorable experience while dealing with the Utility Billing Department. <u>Geo Neary</u>, 122 SE 5 Avenue, Delray Beach Recommended that the City Ambassadors assist individuals who want to cross the street in the downtown area.

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

6. CONSENT AGENDA: City Manager Recommends Approval

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: Agenda Cover Report

December 10, 2024 Regular Meeting Agenda - DRAFT December 17, 2024 Regular Meeting Agenda - DRAFT

The Minutes were approved.

6.B. RESOLUTION NO. 16-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE 63RD ANNUAL DELRAY AFFAIR TO BE HELD APRIL 4-6, 2025; AUTHORIZING THE CLOSURE OF ATLANTIC AVENUE AND SWINTON 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.

Sponsors: City Manager Department

Attachments: Agenda Cover Report

2025 DA Special Events Amended Application (updated 11-4-24) 2025 DA SITE PLAN w. 500 Block - FINAL Impact Event Resolution Reso 16-25 LR

This Resolution was approved.

6.C.

RESOLUTION NO. 18-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA DECLARING ITS OFFICIAL INTENT TO REIMBURSE THE CENTRAL GARAGE FUND -TRANSPORTATION SERVICES, WITH THE PROCEEDS DERIVED FROM THE EXECUTION AND DELIVERY OF ONE OR MORE FUTURE LEASE PURCHASE AGREEMENT(S) BETWEEN THE CITY, AS LESSEE, AND A THIRD PARTY VENDOR AS LESSOR, IN AN AGGREGATE PRINCIPAL AMOUNT IN AN ESTIMATED NOT TO EXCEED AMOUNT OF \$3,826,244 FOR CERTAIN CAPITAL EXPENDITURES APPROVED IN THE FISCAL YEAR 2024-2025 BUDGET; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION 1.150-2(E); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- <u>Sponsors:</u> Finance Department
- Attachments: Agenda Cover Report

Legal Review Res 18-25 Capital Lease Reimbursement

Res 18-25 - Capital Lease Reimbursement 01.7.2025

Res 18-25 Exhibit A - FY 2024-25 Fleet Replacement Vehicle List 1.7.2025 (002)

This Resolution was approved.

6.D.

<u>ITEM(S) A1 -</u> ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1019 NASSAU ST.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 601 SW 3RD ST.

Sponsors: Public Works Department

Attachments: Agenda Cover Report

A1a - Right of Way Deed - 1019 Nassau St - Mark and LaRonda Denkler A1b - Legal Review Right of Way Deed - 1019 Nassau St - Mark and LaRonda Denkler A2a - Right of Way Deed - 601 SW 3rd St - VF Realty 02 Business LLC A2b - Legal Review Right of Way Deed 601 SW 3rd Street - VF Realty OZ Business LLC

This Request was approved.

6.E.

APPROVAL OF AN ADDITIONAL SPENDING REQUEST TO AGREEMENT RFQ 2019-051 WITH BAXTER & WOODMAN, INC. FOR ADDITIONAL CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$62,000 FOR A REVISED TOTAL OF \$1,407,865

<u>Sponsors:</u> Public Works Department and Purchasing Department

Attachments: Agenda Cover Report

Proposal - Additional Spending Request

Amend No. 3 to RFQ 2019-051

Amend. No. 2 to RFQ 2019-051

Amend. No. 1 to RFQ 2019-051

RFQ 2019-051

This Request was approved.

6.F. APPROVAL OF AMENDMENT 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES - FY 2023-2024

Sponsors: Public Works Department

Attachments: Agenda Cover Report

Amend No. 1 to FY24 CRA ILA for Construction & Professional Services Simple Legal Review Approval Amendment to CRA ILA 12.20

This Request was approved.

6.G

APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES - FY 2024-2025

Sponsors: Public Works Department

Attachments: Agenda Cover Report FY25 CRA ILA for Construction & Professional Services Simple Legal Review Approval CRA ILA Construction Funding FY20242025 12.20 This Request was approved.

6.H. PROCLAMATIONS:

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

Sponsors: City Clerk Department

Attachments: Agenda Cover Report MARTIN LUTHER KING JR. DAY 2025

This Proclamation was approved.

6.H.2. NATIONAL MENTORING MONTH PROCLAMATION

Sponsors: City Clerk Department

Attachments: Agenda Cover Report

National Mentoring Month 2025

This Proclamation was approved.

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

6.I.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM DECEMBER 9, 2024 THROUGH DECEMBER 31, 2024.

<u>Sponsors:</u> Development Services Department

Attachments: Agenda Cover Report
SPRAB (12-11) 238 SE 1st Avenue

This Request was approved.

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. APPROVAL OF RESOLUTION NO. 02-25 TO AWARD A MASTER CONTRACTOR/SERVICES AGREEMENT WITH REP SERVICES, INC. FOR PARK EQUIPMENT AND PARTS UTILIZING PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TERM CONTRACT #21-056 LP IN THE AMOUNT OF \$138,525.00.

Sponsors: Parks & Recreation Department

Attachments: Agenda Cover Report

P2025-004_REP SVC_PE.pdf

Exhibit A_updated_11.26.24.pdf

REP Svc_21303-Coercion Affidavit Fully Executed.pdf

1. Solicitation 21-056-LP.pdf

2. RSI Palm Beach BOCC Contract 2021-2026.pdf

Res. No. 02-25- 12-20-24 (REP Services Piggyback)

P2025-004 PBC Piggyback LR 1.2.25

This Resolution was approved.

6.J.2. APPROVAL OF RESOLUTION NO. 03-25 TO AWARD A MASTER CONTRACTOR/SERVICES AGREEMENT WITH PLAYMORE WEST, INC., FOR PARK AND PLAYGROUND EQUIPMENT UTILIZING THE SCHOOL DISTRICT OF MANATEE COUNTY SDMC NO. 21-0053-MR IN THE AMOUNT OF \$347,671.50.

Sponsors: Parks & Recreation Department

<u>Attachment</u>	<u>s:</u> <u>Agenda Cover Report</u>
	Vendor Signed- P2025-005 Park and Playground Equipment.pdf
	Exhibit A
	Playmore Signed Affidavit.pdf
	1. Original 21-0053 park and Playground Equipment New bid
	master.pdf
	2. Renewal 1-TAG ON BID - MANATEE COUNTY RENEWAL OF ITB 21-0053 MANATEE CO RENEWED 7-10-23.pdf
	3. Renewal 2- 21-0053-MR R2 Playmore- FS.pdf
	4. 21-0053-MR Tab R2- Pricing.pdf
	Res. No. 03-25- 12-20-2024 (Playmore West Inc. Piggyback)
	P2025-005 Park and Playground Equipment LR 1.2.25
	This Resolution was approved.
6.J.3.	APPROVAL OF RESOLUTIONS NO. 06-25 AND 07-25 TO AWARD AGREEMENTS WITH MOTPLANS.COM, LLC AND ALL AMERICAN BARRICADES, LLC FOR BARRICADES, FLASHERS, AND RELATED ITEMS UTILIZING THE CITY OF FORT LAUDERDALE ITB 203-3 IN THE AMOUNT OF \$66,667
<u>Sponsor</u>	<u>s:</u> Public Works Department and Purchasing Department
Attachment	s: Agenda Cover Report
	Res 06-25 P2024-037 Barricades and Equipment -MOTPlans - FTL
	Piggyback
	<u>Ex A P2024-037 Barricades and Equipment Rental (MOTPlans) - Fort</u> Lauderdale Piggyback.docx
	Vendor Signed- MP2024-037 Barricades (MOTPlans)
	Legal Review Checklist P2024-037 Barricades and Equipment Rental
	(MOTPlans) - Fort Lauderdale Piggyback
	Res 07-25 P2024-037 Barricades and Equipment - All American - FTL Piggyback
	Ex A P2024-037 Barricades and Equipment Rental (All American) -
	Fort Lauderdale Piggyback
	Vendor Signed- P2024-037 Barricades (AllAmerican)
	Legal Review Checklist P2024-037 Barricades and Equipment Rental
	<u>(All American) - Fort Lauderdale Piggyback</u> 203-3 - Agreement (FTL-MOTplans) - FULLY EXECUTED
	203-3 - Agreement (FTL-AllAmericanBarricades) - FULLY EXECUTED
	Bid Tabulation ITB 203-3
	Solicitation ITB 203-3
	This Resolution was approved.
6.J.4.	APPROVAL OF RESOLUTION NO. 08-25 TO AWARD A SOLE SOURCE AGREEMENT WITH SESCO LIGHTING TO PURCHASE

DECORATIVE LIGHT POLES AND LIGHT POLE FIXTURES FOR THE

CITY OF DELRAY BEACH IN THE AMOUNT OF \$164,000

Sponsors: Neighborhood & Community Services

Attachments: Agenda Cover Report

Agreement SS2024-032 Sesco Lighting - Sole SourceRes 08-25 Sesco Sole SourceLegal Review - SS2024-032 - Sole Source - Sesco LightingEx A to Res 08-25 - Sole Source with Sesco Lighting

This Resolution was approved.

7. REGULAR AGENDA:

7.A.

RESOLUTION 15-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE EASTER SUNRISE SERVICE TO BE HELD APRIL 20, 2025; AUTHORIZING THE CLOSURE OF A1A FROM ATLANTIC AVENUE TO MIRAMAR DRIVE 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.

Sponsors: City Manager Department

 Attachments:
 Agenda Cover Report

 Impact Event Resolution Sunrise Service

 Sunrise 2025_Application

 Site Map Easter Service

 Reso 15-25 LR

Lynn Gelin, City Attorney, entered Resolution No. 15-24 into the record.

Allison Behrman, Special Events Manager, stated that this item is before the Commission because, as per the Special Events Policy, any event requiring a major road closure must be presented to the Commission.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Resolution be approved.

all were in favor

8. PUBLIC HEARINGS/SECOND READINGS:

ORDINANCE NO. 27-24: 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 4. "ZONING **REGULATIONS.**" ARTICLE 4.7. "FAMILY/WORKFORCE HOUSING." SECTION 4.7.2. "APPLICABILITY," SUBSECTION (B), **"WORKFORCE** HOUSING INCENTIVE AREAS." TO CORRECT А SCRIVENER'S ERROR ON THE INFILL WORKFORCE HOUSING AREA MAP, AND BY AMENDING SECTION 4.7.4, "DENSITY BONUS AREAS," SUBSECTION (A), "THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL CARVER **ESTATES OVERLAY** DISTRICT AND THE WORKFORCE AREA." TO CORRECT HOUSING А SCRIVENER'S WITHIN ERROR IN THE REQUIRED IN-LIEU AMOUNT THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT: PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING / PUBLIC HEARING)

<u>Sponsors:</u> Development Services Department

Attachments: Agenda Cover Report

PZB Staff Report, Article 4.7 Corrective LDR Amendment Ordinance No. 27-24, Article 4.7 Corrective Business Impact Estimate, Ordinance No. 27-24 Proof of Legal Ad, Ordinance No. 27-24 Legal Review, Ordinance No. 27-24

Lynn Gelin entered Ordinance No. 27-24 into the record.

Anthea Gianniotes, Development Services Director, provided a brief presentation explaining this item was to correct a scrivener's error in the original Ordinance related to Section 4.7.3. The original document stated that the General Requirements for in-lieu fees were \$60,000, but the correct amount should be \$160,000.

Mayor Carney opened the floor to public comments on this item. Seeing no one present, Mayor Carney closed public comments.

8.B. ORDINANCE NO. 37-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 74, "CIVIL TRAFFIC ENFORCEMENT", BY REPEALING THE ADOPTED CHAPTER 74 IN ITS ENTIRETY AND READOPTING SAME, AS REVISED, WITH A NEW CHAPTER 74, "SPEED DETECTION SYSTEMS IN SCHOOL ZONES" TO PROVIDE FOR THE USE AND IMPLEMENTATION OF SCHOOL ZONES SPEED LIMIT DETECTION SYSTEMS; PROVIDING FOR A LOCAL HEARING OFFICER TO HEAR APPEALS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (SECOND READING)

<u>Sponsors:</u> Police Department

Attachments: Agenda Cover Report

BIE Form-Ordinance 37-24 Speed Detection Systems in School Zones - reviewed Finance_lw Ordinance Legal Review Form_Ord No 37-24 Speed Detection Systems in School Zones Ordinance 37-24

City Attorney Lynn Gelin requested that Item No. 8.B. (Ordinance No. 37-24) be pulled until a date certain.

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

10.A.1. PODCAST REGARDING DEPARTMENT PROJECTS

Sponsors: City Manager Department

Mr. Moore shared his vision for creating a City Podcast.

He asked Gina Carter, Director of Communications, to provide more details. Ms. Carter indicated that a podcast would provide a new way to communicate with residents. She suggested it could be either a monthly or biweekly format to provide insights about what is happening in the city.

B. City Attorney

Requested a Shade Meeting on January 14, 2025, at 4:30 p.m.

A motion was made by Deputy Vice Mayor Long, seconded by Vice Mayor Casale to approve a Shade Meeting on January 14, 2025.

all were in favor

C. City Commission

Vice Mayor Casale

Praised the Police Department for their response to the shooting incident at the market and requested a stronger police presence there in the future.

Discussed the Code Enforcement issue at Subculture Coffee Shop regarding outdoor events. Ms. Gelin mentioned Code Enforcement was currently investigating the situation.

Requested the City support Fire Chief Martin in effectively performing his duties.

Discussed the Fire Department Union personnel practices and policies.

Mentioned the practices of the Code Enforcement Department as it relates to liens.

Commissioner Burns

Congratulated Fire Chief Martin for the work that he was doing.

Mentioned that the advice provided by the City Attorney is not being followed by the Commission.

Inquired if the Purchasing Department was adhering to best practices to ensure the City was securing the best prices for goods and services.

Requested a consensus for the Set Alliance to receive recognition for Black History Month. There was a consensus.

Commissioner Markert

Requested a traffic study be done for Lake Ida Road and Lake Shore Drive due to concerns about traffic and speeding.

There was a consensus to perform a traffic study.

Deputy Vice Mayor Long

Discussed changing out the use of single-arm gates for railroad crossings with quad gates.

Acknowledged retired officers who had recently passed.

Mayor Carney

Would like to see the Commission have better oversight in the Fire Department.

Acknowledged the need for better oversight in the Code Enforcement Department.

Suggested the Finance Department develop a new procurement policy to ensure that the City receives the most competitive prices.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 7:06 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.