

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.delraybeachfl.gov



Minutes - Draft

Tuesday, June 18, 2024

6:00 PM

Regular Meeting at 6:00 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 June 18, 2024, Regular City Commission Meeting was called to order at 6:04 p.m. City Clerk Katerri Johnson 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

Consent Agenda Item No. 6.B. was pulled and became Item No. 7.A.A. on the Regular Agenda

Consent Agenda Item No. 6.I.3. was taken off of the agenda.

Consent Agenda Item. No. 6.I.4. was pulled and became Item No. 7.B.B on the Regular Agenda.

Regular Agenda Item No. 7.B. was postponed at the request of the applicant.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this be approved as amended. The motion carried by the following vote:

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

3.A. Additions, Deletions, Substitutions

None.

4. PRESENTATIONS:

4.A. PRESENTATION BY THE INDEPENDENT CPA FIRM OF MARCUM LLP OF THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach ACFR FY 2023](#)

Scott Montgomery, with Marcum LLP, provided an overview presentation on the City's annual comprehensive financial report (ACFR) for the fiscal year ending September 30, 2023. He mentioned that the financial statement included separate audits of the Downtown Development Authority and the Community Redevelopment Agency, which were

consolidated into the City's audit.

The Commission thanked Mr. Montgomery for his presentation.

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 asked Missie Barletto, Director of Public Works, to present the City's progress on the renovations of the Delray Beach Golf Club.

Ms. Barletto stated Sanford Golf Design estimated the complete contract amount to be \$1.75 million prior to any negotiations or discussions of a new scope of work and fees. She mentioned the Utilities Department had requested a reduction in scope to replace the onsite raw water main after an analysis of the current condition was performed.

The Commission thanked Ms. Barletto for her presentation.

5.B. From the Public

Ed McCall: 36 Palm Square, Delray Beach

Discussed the replacement of the putting greens at the golf courses.

Willie Potts Jr.: 600 Lindell Blvd, Delray Beach

Requested the Commission repair the leaks at Pompey Park and recommended the Police Advisory Board hold meetings more frequently than once per month.

Jay Alpern: 3130 Lawson Blvd., Delray Beach

Stated he would like to see the greens completely replaced at the golf courses.

Mavis Benson: 800 Greenwald Court, Delray Beach

Discussed her interest in being reappointed to the Downtown Development Authority Board.

Allan Costilo: 450 East Atlantic Avenue, Delray Beach

Expressed his interest in serving as a Downtown Development Authority board member.

Russ Mager, Police Chief for the City of Delray Beach

Extended the City's appreciation to the Virginia and Harvey Kimmel Family Foundation for granting \$150,000 over the next three years to fund additional Community Outreach Officers.

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 Commissioner Burns, that this be approved as amended. The motion carried by the following vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[May 21, 2024 Regular Meeting Minutes - DRAFT](#)
[June 4, 2024 Special Meeting \(Closed Attorney Client Session\) Minutes - DRAFT](#)
[June 4, 2024 Regular Meeting Minutes - DRAFT](#)

The Minutes were approved.

6.B. RESOLUTION NO. 125-24 AMENDING THE FISCAL YEAR 2023-24 BUDGET ADOPTED BY RESOLUTION NO.145-23 ON SEPTEMBER 18, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 125-24 Budget Amendment FY 2023-24 6.18.24](#)
[Exhibit A - Resolution 125-24 Budget Amendment 6.18.24](#)
[Simple Legal Review Approval budget amendment](#)

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

Vice Mayor Casale expressed concern about how the City's reserves were being used. She recommended visiting the appropriate departments directly before using the reserves.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns, to approve Resolution No. 125-24 with changes to the Fire Department - Operations - Ocean Rescue Division. This line item will be back before the Commission on August 5, 2024.

This Resolution was approved.

6.C. RESOLUTION 127-24 TO ALLOW CITY MANAGER TO EXECUTE SHIP AGREEMENTS UNDER LOCAL HOUSING ASSISTANCE PLAN (LHAP)

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist](#)
[Resolution 127-24](#)

This Resolution was approved.

6.D. REQUEST FOR PERMISSION TO APPLY FOR POOL SAFELY GRANT PROGRAM THROUGH THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Simple Review for Grant Application.docx](#)
[SF424_2_1 Page 4 Federal Assistance Application Pool Safety Grant.pdf](#)
[SF-424B.Assurances for Non-Construction Programs Pool Safety Grant.pdf](#)
[SFLLL_1_2_P-V1.2_Disclosure of Lobbying Activities.pdf](#)

This Request was approved.

6.E. GRANT APPLICATION/THE VIRGINIA AND HARVEY KIMMEL FAMILY FOUNDATION

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Community Outreach Officer Calculation 5-24-2024](#)
[Harvey and Virginia Kimmell Family Foundation Grant Request_6.5.24](#)

This Request was approved.

6.F. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ALISON GENCO V. CITY OF DELRAY BEACH

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

This Request was approved.

6.G. PROCLAMATIONS:

6.G.1. OBSERVANCE OF JUNETEENTH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Juneteenth Proclamation 2024](#)

This Proclamation was approved.

6.G.2. NATIONAL HIV TESTING DAY PROCLAMATION - JUNE 27, 2024

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National HIV Testing Day 2024](#)

This Proclamation was approved.

6.G.3. PROCLAMATION - NATIONAL CLEAN BEACHES WEEK - JULY 1 - 7, 2024

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Clean Beaches Week 2024](#)

This Proclamation was approved.

6.G.4. OBSERVANCE OF INDEPENDENCE DAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Observance of Independence Day 2024](#)

This Proclamation was approved.

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

This was approved.

6.H.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM MAY 20, 2024 THROUGH JUNE 7, 2024.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPRAB \(5-22\) Rainberry Bay Circle](#)
[HPB \(6-5\) 170 Marine Way](#)
[HPB \(6-5\) 108 N. Swinton Avenue](#)

This Request was approved.

6.I. AWARD OF BIDS AND CONTRACTS:

- 6.I.1.** APPROVAL OF RESOLUTION NO. 73-24 TO AWARD AN AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. FOR REPLACEMENT, MAINTENANCE, AND REPAIRS OF MULTIFUNCTION DEVICES; UTILIZING UNIVERSITY OF CALIFORNIA / OMNIA PARTNERS COOPERATIVE AGREEMENT NO. 202000275 IN THE AMOUNT OF \$630,500.00

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution 73-24 Print goods and services](#)
[P2024-025 Print Goods and Services - MSA](#)
[Canon America Print Goods and Services LR](#)
[COI](#)
[COI Approval](#)
[Original RFP document](#)
[MSA # 2020002755 Signed](#)

This Resolution was approved.

- 6.I.2.** APPROVAL OF RESOLUTION NO. 126-24 TO AWARD AN AGREEMENT WITH FLORIDA ULS OPERATING LLC DBA HAVERLAND AG INNOVATIONS INC FOR BASEBALL FIELD MAINTENANCE AT POMPEY PARK PURSUANT TO INVITATION TO BID NO. 2024-028 IN THE AMOUNT OF \$513,371.75 FOR TOTAL CONTRACT TERM OF FIVE YEARS

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Ballfields_Legal_Review.pdf](#)
[Agreement_ITB 2024-028 Pompey Park Baseball Field_2024.docx](#)
[ITB_2024-028 Pompey Park Baseball Field Maintenance Services-Final_2024.pdf](#)
[Resolution No. 126-24 Pompey Ballfields_2024.docx](#)

This Resolution was approved.

- 6.I.3.** APPROVAL OF RESOLUTION 140-24 FOR THE ISSUANCE OF A PURCHASE ORDER TO ASAP COMPLETE TREE SERVICE AND LANDSCAPE DESIGN, LLC FOR SOD AND SOD INSTALLATION OF GREENS AT LAKEVIEW GOLF CLUB AND THE DELRAY BEACH MUNICIPAL GOLF COURSE UTILIZING Q2024-026 IN THE AMOUNT OF

\$72,151.25.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: Agenda Cover Report
Simple Legal Review Approval 140-24
Q2024-026_Sod_Advertised.pdf
Tabulation_Packet_for_Q2024-026- ASAP
Reso No. 140-24

This Resolution was removed.

6.I.4. APPROVAL OF RESOLUTION NO. 136-24 RATIFYING THE PURCHASE ORDER ISSUED TO COMMERCIAL ENERGY SPECIALISTS, INC. FOR A TOTAL AMOUNT OF \$132,284.79 FOR THE PURCHASE AND INSTALLATION OF NEW SAND FILTERS FOR THE POOL AT POMPEY PARK

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Res 136-24 - Emergency Purchase - Pompey Pool Filters - Commercial Energy Specialists.docx](#)
[Legal Review Res 136-24 - Emergency Purchase of Pool Filters for Pompey Park - Commercial Energy Specialists.docx](#)
[AUTHORIZATION FORM_CES_Pool.log](#)
[CES.PO.pdf](#)

Consent Agenda Item. No. 6.I.4. was pulled for discussion and became Item No. 7.B.B on the Regular Agenda.

Amy Hanson, Assistant Director of Parks and Recreation, reported that the updated total amount for this item is \$136,661.60.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Resolution be approved. The motion carried by the following vote:

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

6.I.5. APPROVAL OF RESOLUTION # 119-24 TO AWARD A CITY STANDARD AGREEMENT WITH FLORIDA BULLET, INC. TO PURCHASE AMMUNITION FOR CITY OF DELRAY BEACH POLICE DEPARTMENT IN THE AMOUNT OF \$800,000.00

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Florida Bullet Inc Master Contractor Services](#)

[Agreement 6.5.24](#)

[Vendor Signed SS2024-026 Ammunition](#)

[Res 119-24 Ammo](#)

[SS2024-026- Ammo - signed](#)

This Resolution was approved.

- 6.I.6.** APPROVAL OF RESOLUTION NO. 128-24 TO AWARD AN AGREEMENT TO MAINGUY ENVIRONMENTAL CARE, INC. FOR LANDSCAPE MAINTENANCE SERVICES FOR STORMWATER RETENTION AREAS PURSUANT TO INVITATION TO BID (ITB) 2024-026 IN THE AMOUNT OF \$536,760 FOR A FIVE YEAR CONTRACT.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[ITB 2024-026 Landscape Maintenance Stormwater Retention Areas -](#)

[Mainguy Environmental Care](#)

[Exhibit A - ITB 2024-026 - Landscape Maintenance of Stormwater](#)

[Retention Area - Mainguy Environmental Care Inc](#)

[Res 128-24 ITB 2024-026 - Landscape Services for Retention Areas -](#)

[Mainguy Environmental Care Inc](#)

[Legal Review Checklist ITB 2024-026 - Landscape Maintenance of](#)

[Stormwater Retention Area - Mainguy Environmental Care Inc](#)

[ITB 2024-026 Mainguy Environmental Care, Inc Bid Submittal](#)

[ITB 2024-026 Advertised Solicitation](#)

This Resolution was approved.

- 6.I.7.** APPROVAL OF RESOLUTION NO. 129-24 TO ISSUE A PURCHASE ORDER TO FRAZER, LTD. FOR THE PURCHASE OF A NEW FRAZER MEDIUM DUTY RESCUE AMBULANCE UTILIZING BUYBOARD CONTRACT NO. 650-21, IN THE AMOUNT OF \$573,183.25.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)

[Reso No. 129-24 Buyboard](#)

[Exhibit A Reso. No 197-23](#)

[Reso 129-24 Legal Review](#)

[BuyBoard Proposal - Delray Beach Fire Rescue Medium Duty Rescue](#)

[Ambulance](#)

[BuyBoard Contract No. 650-21](#)

[BuyBoard Contract No. 650-21 Bid Tabulation](#)

[BuyBoard Contract No. 650-21 Solicitation](#)

This Resolution was approved.

- 6.I.8.** APPROVAL OF RESOLUTION NO. 133-24 TO ISSUE A PURCHASE ORDER TO BERWIN, INC. DBA J.C. ARCHITECTURAL INTERIOR PRODUCTS FOR THE PURCHASE OF OFFICE FURNITURE FOR HUMAN RESOURCES UTILIZING STATE OF FLORIDA ALTERNATE CONTRACT SOURCE (ACS) CONTRACT NO. 56120000-24-NY-ACS, IN THE AMOUNT OF \$52,339.65.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Reso No. 133-24](#)
[Simple Legal Review Approval Furniture purchase](#)
[J.C. White Quote](#)
[Jasper Reseller Information Form](#)
[ACS Contract No. 56120000-24-NY-ACS](#)
[Master Contract No. PC70219](#)

This Resolution was approved.

- 6.I.9.** APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT RFQ NO. 2022-034 OWNERS REPRESENTATIVE SERVICES FOR DESIGN-BUILD CONSTRUCTION PROJECT OF A NEW WATER TREATMENT PLANT (WTP), AND RELATED IMPROVEMENTS TO INCLUDE WORK AUTHORIZATION NO. 2 TOTALING \$522,957.08, AND WORK AUTHORIZATION NO. 3, TOTALING \$119,989.93, WITH HAZEN & SAWYER, P.C., IN A TOTAL CONTRACT INCREASE VALUE AMOUNT OF \$642,947.01.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Amd #1 to RFQ 2022-034 Agmt - Owner's Rep for Water Treatment Plant - Hazen and Sawyer.pdf](#)
[Amd #1 to Agmt for RFP 2022-034 - Owner's Rep for Water Treatment Plant - Hazen and Sawyer.doc](#)
[Ex A Amd #1 to Agmt for RFP 2022-034 - Work Authorization No. 2.pdf](#)
[Ex B Amd #1 to Agmt for RFP 2022-034 - Work Authorization No. 3.pdf](#)

This Request was approved.

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 104-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY

BISECTING 2001 S. FEDERAL HIGHWAY, TOTALING APPROXIMATELY FIVE THOUSAND THREE HUNDRED AND TWO SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 104-24: Abandonment of ROW](#)

[Sketch and Description - ROW Abandonment](#)

[Survey - 2001 S Federal Highway](#)

[City Engineer Recommendation](#)

[Del-Raton Park Plat](#)

[Gateway Shopping Center Plat](#)

[Legal Review Res. No. 104-24 Abandonment of ROW](#)

Lynn Gelin entered Resolution No. 104-24 into the record.

City Clerk, Katerri Johnson, swore in those who wished to provide testimony on any quasi-judicial item.

Lynn Gelin entered File No. 2024-052 ABR-CCA into the record.

Mayor Carney read the quasi-judicial rules into the record. He asked his colleagues to disclose any ex-parte communications for this item. There were no ex-parte communications.

Michael Weiner, with Sachs, Saks, and Caplan, was present to represent the applicant, MDR Motors, LLC., who requested the abandonment of a 20-foot-wide portion of the City-owned right-of-way bisecting 2001 South Federal Highway.

Ms. Alvarez provided a staff report on this item, stating that the Planning and Zoning Board and the City Engineer approved this item.

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

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

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Resolution, Item No. 7.A.1. and Item No. 7.A.2. be approved. The motion carried by the following vote:

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

7.A.1. REPORT OF AN APPEALABLE DEVELOPMENT APPLICATION ACTION FOR A LEVEL 3 SITE PLAN FOR DELRAY MAZDA, LOCATED AT 2001 SOUTH FEDERAL HIGHWAY.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB \(5-20\) Delray Mazda Site Plan](#)

This Request was approved.

7.A.2. ITEM 1 - ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT BY 2001 S FEDERAL HIGHWAY.

ITEM 2 - ACCEPTANCE OF A HOLD HARMLESS AGREEMENT BY 2001 S FEDERAL HIGHWAY.

ITEM 3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 2001 S FEDERAL HIGHWAY.

ITEM 4 - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT BY 2001 S FEDERAL HIGHWAY.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Item 1. General Utilities Easement Agreement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 1. Exhibit A. Sketch and Description - General Utility Easement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 1. Legal Review Utilities Easement Agreement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 2. Hold Harmless Agreement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 2. Exhibit B. Sketch and Description - General Utility Easement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 2. Exhibit C. Mazda Site Plan: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 2. Legal Review Hold Harmless MDR Motors, LLC - 2001 S Federal Highway](#)
[Item 3. Right of Way Deed \(Corner Clip\): MDR Motors LLC - 2001 S Federal Highway](#)
[Item 3. Exhibit A. Right of Way Deed \(Corner Clip\): MDR Motors LLC - 2001 S Federal Highway](#)
[Item 3. Legal Review Right of Way Deed: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 4. Perpetual Sidewalk Easement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 4. Exhibit A - Perpetual Sidewalk Easement: MDR Motors LLC - 2001 S Federal Highway](#)
[Item 4. Legal Review Perpetual Sidewalk Easement Agreement: MDR Motors LLC - 2001 S Federal Highway](#)

This Request was approved.

- 7.B.** RESOLUTION NO. 109-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A TWO-LOT MINOR SUBDIVISION KNOWN AS "530 NORTH SWINTON AVENUE PLAT," FOR THE PROPERTY LOCATED AT 530 NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 109-24, 530 N Swinton Ave Plat](#)
[Exhibit A: Legal Description](#)
[Exhibit B: 530 North Swinton Avenue Plat](#)
[Legal Review](#)

This item was postponed at the request of the applicant.

- 7.C.** RESOLUTION NO. 137-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER

TO SECTION 4.5.1(F)(3) OF THE LAND DEVELOPMENT REGULATIONS TO APPROVE THE DEMOLITION OF STRUCTURES LOCATED AT 19 SE 2ND STREET, 148 SE 1ST AVENUE, AND 130 SE 1ST AVENUE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT IN ACCORDANCE WITH THE CERTIFICATE OF APPROPRIATENESS FOR THE PROJECT KNOWN AS MAGNOLIA PLACE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE DEMOLITION OF SAID STRUCTURES IN CONJUNCTION WITH THE ISSUANCE OF BUILDING PERMITS FOR THE FOUNDATIONS; PROVIDING A CONFLICTS CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 137-24-Magnolia Place Demolition Waiver](#)
[HPB SR-Magnolia Place-2024-156-WAI-HPB-Final](#)
[Demolition Justification Letter-Magnolia Place](#)
[Survey-Magnolia Place](#)
[Approved Site Plan-Magnolia Place](#)
[Existing Site Plan-Magnolia Place](#)
[Legal Review-Magnolia Place-Downtown Delray Villas](#)

Lynn Gelin entered Resolution No. 137-24 into the record.

Mayor Carney asked his colleagues to disclose any ex-parte communications for this item.

Vice Mayor Casale: Wasn't sure if she had spoken with the applicant.

Deputy Vice Mayor Long: Spoke with the applicant but not lately.

Commissioner Burns: None

Commissioner Markert: None

Mayor Carney: None

Amy Alvarez entered File No. 2024-156 into the record.

Gary Eliopoulos, with GE Architecture, was present on behalf of the applicant, who was requesting a waiver to the Land Development Regulations (LDR) to demolish three non-contributing structures concurrent with the issuance of a foundation permit, as opposed to the permit for all the redevelopments. He stated the primary matter before the Commission was the order of the demolition and construction.

Amy Alvarez provided a staff report on this item. She stated on June 5, 2024, the Historic Preservation Board (HPB) recommended approval by a

vote of 4 to 1.

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

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

The Commission acknowledged that this request was simply a matter of demolishing three non-contributing structures.

A motion was made by Commissioner Burns, seconded by Commissioner Markert, that this Resolution be approved. The motion carried by the following vote:

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

7.D.

RESOLUTION 123-24 : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS MUSCLE ON THE BEACH TO BE HELD MARCH 1, 2025 IN AND AROUND THE OLD SCHOOL SQUARE CAMPUS; 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 Muscle on the Beach](#)

[Special Events Application 2025](#)

[2025 Muscle on the Beach map](#)

[Simple Legal Review Approval Impact Event Resolution Muscle on the Beach](#)

Lynn Gelin entered Resolution No. 123-24 into the record.

Susan Russo, President of the Sandoway Discovery Center, was present to seek the Commission's support for the City to host the 3rd annual Muscle on the Beach Car Show, which raises much-needed funds for the facility.

Allie Berhman, Special Events Manager, explained this item was brought before the Commission because it was an Impact Event.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Resolution be approved. The motion carried by the following vote:

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

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Downtown Development Authority](#)
[DDA Board Attendance 2023-2024](#)
[DDA Map](#)
[Benson, Mavis](#)
[Costilo, Alan](#)
[Dockerty](#)
[Rose, Daniel](#)
[Van Arnen, Harold](#)

Mayor Carney nominated Harold Van Armen, seconded by Deputy Vice Mayor Long.

All were in favor, and none were opposed.

This Appointment was approved.

**7.F. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN
DEVELOPMENT AUTHORITY BOARD**

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)[Exhibit A](#)[Downtown Development Authority](#)[DDA Board Attendance](#)[DDA Map](#)[Alper, Gregg](#)[Amedeo](#)[Beal](#)[Benson, Mavis](#)[Blumenfeld](#)[Cohn](#)[Cohen, Steven](#)[Costilo, Alan](#)[Denkler, Mark](#)[Dockerty](#)[Fredericks, Carol](#)[Grimes](#)[Jones](#)[Kaufman](#)[Kiser, Mereida](#)[Knight, James](#)[Leish](#)[Likosar, Shelly](#)[Nelson](#)[O'Conner](#)[Platt](#)[Rose, Daniel](#)[Salzman](#)[Sylvester](#)[Van Arnen, Harold](#)[Walden, George](#)

Commissioner Markert nominated Mavis Benson, seconded by Vice Mayor Casale.

The following were in favor: **Yes: 4** - Vice Mayor Casale, Deputy Vice Mayor Long, Commissioner Burns, and Commissioner Markert

Opposed: **No: 1** - Mayor Carney

approved

Deputy Vice Mayor Long nominated James Knight, seconded by Mayor Carney.

All were in favor, and none were opposed.

approved

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 18-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING "POLICE OFFICERS' RETIREMENT SYSTEM," SECTION 33.65, "ADMINISTRATION"; AMENDING "FIREFIGHTERS' RETIREMENT SYSTEM," AND SECTION 33.79, "ADMINISTRATION" TO PROVIDE FOR STAGGERED TERMS FOR TRUSTEES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Ordinance 18-24 Amending Chapter 33 Staggered Terms for Trustees](#)

[Ordinance 18-24 Staggered Terms](#)

[Ordinance 18-24 Staggered Trustee terms BIE](#)

[Police Actuarial Impact Statement for staggered terms May 2024](#)

[Fire Actuarial Impact Statement for staggered terms May 2024](#)

Lynn Gelin entered Ordinance No.18-24 into the record.

Hugh Dunkley presented the proposed amendment for staggered service terms for the Police and Firefighter's Retirement System Board of Trustees.

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

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved. The motion carried by the following vote:

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

- 8.B.** ORDINANCE NO. 01-24: AN ORDINANCE OF THE CITY COMMISSION

OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," SECTION 96.08, "HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE; RECOVERY OF COST," BY ADOPTING A NEW TITLE, "RECOVERY OF COSTS," ADOPTING A NEW DEFINITION FOR FIRE RESCUE RESPONSE, AMENDING THE DEFINITIONS OF COST, HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE, AND PERSON, AND BY ADOPTING REGULATIONS FOR REIMBURSEMENT TO THE CITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Ordinance 01-24 - Recovery of Fire Costs - Legal Review](#)

[BIE--Ord 01-24 Amd Code to allow for recovery of costs for Fire Services](#)
[ord 01-24 Fire costs and services](#)

Lynn Gelin entered Ordinance No. 01-24 into the record.

Assistant Fire Chief Travis Franco and Caption David Garcia stated that the purpose of this ordinance was to help the City receive more funds as reimbursements for the expenses incurred to purchase specialized equipment and sustain operations related to hazardous materials.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved. The motion carried by the following vote:

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

8.C.

ORDINANCE NO. 11-24: 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," BY ADDING SECTION 96.18, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS" TO REQUIRE DEFIBRILLATORS AND BLEEDING CONTROL KITS THROUGHOUT THE CITY FOR SPECIFIC OCCUPANCIES, OUTLINING INSTALLATION AND OPERATION INCLUDING LOCATION REQUIREMENTS, INSPECTION PROCEDURES, MAINTENANCE AND USE REQUIREMENTS, ENFORCEMENT PROCEDURES, AND PROVIDING DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND

READING)

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[AED Ordinance kwb 1.22.24](#)

[Ordinance 11-24 AED Amd](#)

[Simple Legal Review Approval AED Ordinance](#)

[BIE - Ord 11-24 AED ordinance _Fin](#)

Lynn Gelin entered Ordinance No. 11-24 into the record.

Officer Joseph Mazzeo presented the importance of having Automated External Defibrillator (AED) machines and bleeding control kits in public facilities to provide first aid before the arrival of Fire Rescue. They stated that each AED and Bleeding Control Kit should cost about \$1,500.

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

Miss Gelin stated that she would create a Hold Harmless Agreement to absolve the City of responsibility for administering the first aid.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved. The motion carried by the following vote:

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

9. FIRST READINGS:

9.A.

ORDINANCE NO. 13-24: 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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (H), "SETBACKS," BY AMENDING SUBSECTION (4), "STRUCTURES ALLOWED IN SETBACKS," TO MODIFY THE STRUCTURES AND BUILDING FEATURES PERMITTED WITHIN REQUIRED BUILDING SETBACKS; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.15, "SWIMMING POOL, WHIRLPOOLS, AND SPAS," FOR CONSISTENCY WITH OTHER EDITS; AND AMENDING APPENDIX A, "DEFINITIONS," TO ADD A DEFINITION FOR "BAY WINDOW;" PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 13-24](#)
[PZB Staff Report, Ordinance No.13-24](#)
[Legal Review, Ordinance No. 13-24](#)
[Business Impact Estimate Form, Ordinance No. 13-24](#)

Ms. Gelin entered Ordinance No. 13-24 into the record.

Ms. Gelin informed the Commission that Item No. 9.B. and 9.C. were related, so there would be no presentations. She specified that 9.C was a quasi-judicial item and would be open for public comments.

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, that this Ordinance be approved on first reading. The motion carried by the following vote:

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

9.B.

ORDINANCE NO. 16-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY RESIDENTIAL, 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. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[200 SE 7th Avenue - Ord. No. 16-24](#)
[200 SE 7th Avenue - PZB Report](#)
[200 SE 7th Avenue - Justification Statement](#)
[200 SE 7th Avenue - Existing & Proposed Land Use Map](#)
[200 SE 7th Avenue - Traffic Statement](#)
[200 SE 7th Avenue - Business Impact Est.](#)
[200 SE 7th Avenue - Legal Review Form](#)

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Ordinance and Ordinance No. 17-24 be approved on first reading. The motion carried by the following vote:

Yes: 4 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, and Mayor Carney Jr.

No: 1 - Vice-Mayor Casale

9.C.

ORDINANCE NO. 17-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES 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. (FIRST READING/QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[200 SE 7th Avenue - Ord. No. 17-24](#)

[200 SE 7th Avenue - PZB Report](#)

[200 SE 7th Avenue - Justification Statement](#)

[200 SE 7th Avenue - Existing & Proposed Zoning Map](#)

[200 SE 7th Avenue - Traffic Statement](#)

[200 SE 7th Avenue - Business Impact Estimate](#)

[200 SE 7th Avenue - Legal Review Form](#)

Mayor Carney asked his colleagues to disclose any ex-parte communications for this item.

Vice Mayor Casale: Whatever was on the server.

Deputy Vice Mayor Long: None

Commissioner Burns: None

Commissioner Markert: None

Mayor Carney: None

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

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 4 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, and Mayor Carney Jr.

No: 1 - Vice-Mayor Casale

9.D. ORDINANCE NO. 22-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY AMENDING SECTION 35.105, "ADMINISTRATION BY RETIREMENT COMMITTEE" TO PROVIDE FOR COMMITTEE MEMBER TERM LIMITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[GE Pension Ordinance - Board Term Limits lg rev](#)
[Simple Legal Review Approval Ordinance 22-24](#)
[Business Impact Estimate Form - Ordinance No 22-24 \(Retirement Plan Committee Term Limits\)](#)

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved on first reading. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Provided an update on the State Legislative outcome for the City's three transportation-oriented projects.

Presented the three internal options for the classrooms at Old School Square for the upcoming fiscal year. He stated that reactivating the Crest Theatre was still not an option.

The Commission engaged in a discussion on the reopening of the classrooms.

Mayor Carney expressed urgency in opening the classrooms as soon as possible, whether by the City or the Downtown Development Authority.

Mr. Moore asked the Commission to provide a consensus for the upcoming July 9, 2024, Commission Meeting concerning the expenses associated with opening the theater and preparing the classrooms per Mayor Carney's directives.

In favor: 4 - Mayor Carney, Vice Mayor Casale, Commissioner Burns,

and Commissioner Markert

Opposed: 1- Deputy Vice Mayor Long

B. City Attorney

Submitted the Bond Certificate letter to be signed by the Commission.

C. City Commission

Deputy Vice Mayor Long:

Acknowledged the Police Department's Dinner and the Pride Event. Mentioned Vera Woodson's comments from a previous Commission Meeting.

Commissioner Burns:

Shared an Atlantic High School student would be shadowing her this summer. Mentioned the conditions at the Welcome Center at the beach.

Vice Mayor Casale:

Thanked the Clerk's office for the timely meeting minutes. Thanked Police Chief Mager for agreeing to stay on board for another two years. Thanked Mr. Hadajimiry and Gina for the city flyer about the water. Suggested the Commission discuss how much residents were charged for fees and assessments.

Commissioner Markert:

Thanked Mr. Moore for immediately cleaning up the Lake Ida Area after the heavy rains. Thanked Police Chief Mager for their Community Policing Event in Cornell Park.

Mayor Carney:

Suggested scheduling a Workshop Meeting to review Robert's Rules of Order. Instructed Mr. Moore to proceed with establishing a Visions 2030 Committee.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 8:31 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.