

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 5:00 PM

Tuesday, January 21, 2025

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Thomas F. Carney, Jr.

Vice Mayor Juli Casale

Deputy Vice Mayor Rob Long

Commissioner Tom Markert

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. A PRESENTATION ON THE LIVE LOCAL ACT AND BRIEF REVIEW OF THE LIVE LOCAL PROJECT SUBMITTED FOR 2101 SOUTH CONGRESS AVENUE.

Recommendation: Receive a presentation and update on the Live Local Act.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

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. SPECIAL RECOGNITION IN MEMORY OF VERA ROLLE FARRINGTON

Sponsors: City Manager Department

Attachments: [Recognition - Vera Rolle Farrington](#)

5.A.2. INTRODUCTION OF JERRI PRYOR, NEW DIRECTOR OF NEIGHBORHOOD AND COMMUNITY SERVICES

Sponsors: City Manager Department

5.A.3. SMALL NON-PROFIT SPECIAL EVENTS WAIVER.

Recommendation: The City Commission is asked to consider and provide input regarding a potential amendment to the Special Event Policy that would create a waiver for up to \$2,000 for the 2nd 50% of City costs charged to Non-Profit Special Event Producers that are based in the City of Delray Beach.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

5.A.4. CONSIDERATIONS REGARDING GRANT POLICY FORMATION AND ADMINISTRATION

Sponsors: City Manager Department

5.B. From the Public

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

Recommendation: Motion to approve meeting minutes as listed below:

January 7, 2025 Regular Meeting Minutes - DRAFT

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[January 7, 2025 Regular Meeting Minutes - DRAFT](#)

6.B. ACCEPTANCE OF A LANDSCAPE MAINTENANCE AGREEMENT FOR A PORTION OF THE ATLANTIC CROSSING DEVELOPMENT WHERE ADJACENT TO EAST ATLANTIC AVENUE.

Recommendation: Acceptance of a Landscape Maintenance Agreement (LMA) for a portion of the Atlantic Crossing development where adjacent to East Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[AC LMA - Signed Agreement](#)

[AC LMA - Legal Review Edwards Intracoastal LLC](#)

[AC LMA - Location Map, Ownership Phases](#)

6.C. RESOLUTION NO. 04-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA TO OBTAIN STATE HOMELAND SECURITY GRANT PROGRAM FUNDS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT, PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

Recommendation: Staff recommends the approval of the State Homeland Security Grant Program (SHSGP) agreement renewal to facilitate additional reimbursement of funds to offset the expenses incurred by the City to sustain and purchase specialized equipment for mitigating Hazardous Materials incidents.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist, FEDERALLY FUNDED SUBAWARD AND GRANT AG](#)

[State Hazmat Team Letter](#)

[Resolution 04-25](#)

[FY 2024 HSGP - Federally Funded SubGrant Agreement City of Delray Beach I](#)

6.D. TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND VILLAGE SQUARE FAMILY, LTD

Recommendation: Motion to approve a Traffic Enforcement Agreement between the City of Delray Beach and Village Square Family, LTD.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Village Square Family, LTD](#)
[PARTIALLY EXECUTED_Village Square Family, LTD](#)
[Village Square Family COI](#)
[Village Square AffidavitF](#)

6.E. TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND ISLAND COVE, LLC.

Recommendation: Motion to approve a Traffic Enforcement Agreement between the City of Delray Beach and Island Cove, LLC.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Island Cove, LLC](#)
[PARTIALLY EXECUTED_Island Cove](#)
[Island Cove Human Trafficking Affidavit](#)
[Island Cove COI](#)

6.F. TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND LAKE DELRAY APARTMENTS, LLLP.

Recommendation: Motion to approve a Traffic Enforcement Agreement between the City of Delray Beach and Lake Delray Apartments, LLLP.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Lake Delray Apartments, LLLP](#)
[PARTIALLY EXECUTED_Lake Delray AptS](#)
[Lake Delray Apts Human Trafficking Affid.](#)
[Lake Delray Apts COI](#)

- 6.G.** ITEM A1, CONSIDERATION OF A MAINTENANCE OF TRAFFIC PLAN/ROAD CLOSURE PLAN FOR N. SWINTON AVENUE BETWEEN SWINTON CIRCLE AND NE 16TH STREET, AND A2, CONSIDERATION OF A MAINTENANCE OF TRAFFIC PLAN/ROAD CLOSURE PLAN FOR INTERSECTION OF N. SWINTON AVENUE AND NW/NE 22ND AVENUE.

Recommendation: Consideration of the following items:

Per LDR 7.1(C) (1)

Maintenance of Traffic (MOT) Plan. All construction parking and staging that involves travel lane, bike lane, or sidewalk closures shall submit a MOT Plan as follows: (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_regulations_?nodeId=CH2ADPR>, 10-20-20)

Closures greater than 14 days throughout the course of construction, which eliminate travel lanes or change the flow of traffic must be approved by the City Commission. Street closures that do not exceed 14 days throughout the course of construction may be approved administratively. (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_regulations_?nodeId=CH2ADPR>, 10-20-20)

Having exceeded the allowable 14 days throughout the course of construction, the following Maintenance of Traffic plans are petitioning additional closures as follows:

MAINTENANCE OF TRAFFIC PLAN/ ROAD & LANE CLOSURES

Item(S) A1 and A2

Item A1 - All County Paving - As part of Construction Contract No. ITBC 2024-010 for the N. Swinton Ave Roadway & Utility Improvements Project, a motion to approve and accept a Maintenance of Traffic Plan/Road Closure Plan for N. Swinton Avenue between Swinton Circle and NE 16th Street.

Item A2 - All County Paving - As part of Construction Contract No. ITBC 2024-010 for the N. Swinton Ave Roadway & Utility Improvements project, a motion to approve and accept a Maintenance of Traffic Plan/Road Closure Plan for intersection of N. Swinton Avenue And NW/NE 22nd Avenue.

Sponsors:

Public Works Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit 1 – N Swinton Ave Detour \(for drainage\)](#)
[Exhibit 2 – All County MOT Plan \(for drainage\)](#)
[Exhibit 3 – N Swinton Ave Detour \(for roundabout\)](#)
[Exhibit 4 – All County MOT Plan \(for roundabout\)](#)

6.H. APPROVAL TO APPLY FOR A FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) WATERSHED PLANNING PROGRAM GRANT

Recommendation: Motion to approve and allow the Public Works Department to apply for a Watershed Planning Program Grant through the Florida Division of Emergency Management (FDEM) to secure partial funding for the City of Delray Beach Stormwater Master Plan, authorizing the City Manager as the signing authority.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Watershed Planning Program Flyer \(2024\)](#)

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

Recommendation: Motion to deny settlement for the reasons discussed in the confidential memo previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.J. PROCLAMATIONS:

6.J.1. None

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

6.K.1. None

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

7. REGULAR AGENDA:

**7.A. RESOLUTION NO. 12-25 AMENDING THE FISCAL YEAR 2024-25 BUDGET
ADOPTED BY RESOLUTION NO.175-24 ON SEPTEMBER 16, 2024.**

Recommendation: Motion to Approve Resolution No. 12-25 amending the Fiscal Year 2024-25 budget adopted on September 16, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 12-25 Budget Amendment FY 2024-25 01.21.2025](#)
[Exhibit A - Resolution 12-25 Budget Amendment 01.21.2025](#)
[Simple Legal Review Approval Budget Amendment 12-25](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A. ORDINANCE NO. 03-25: 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 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," BY ADOPTING A NEW SUBSECTION (PP), "PRIVATE PARKING LOTS;" PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Consider Ordinance No. 03-25, a City-initiated amendment to LDR Section 4.3.3, "Special requirements for specific uses" of the Land Development Regulations (LDR) to adopt regulations for private parking lots and garages as a new Subsection (PP), "Private parking lots and garages."

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Private Parking Lots](#)
[Map - Existing Private Lots](#)
[Ordinance No.03-25, Private Parking Lots and Garages](#)
[Business Impact Estimate, Ordinance No. 03-25](#)
[Legal Review, Ordinance No. 03-25](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney**C. City Commission****11. ADJOURNMENT**

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.