

City of Delray Beach

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www.delraybeachfl.gov



Minutes - Draft

Tuesday, February 3, 2026

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:
<https://www.youtube.com/@cityofdelraybeachfl/streams>

City Commission

Mayor Thomas F. Carney, Jr.
Deputy Vice Mayor Angela Burns
Commissioner Tom Markert
Commissioner Juli Casale

1. ROLL CALL

The February 3, 2026 Regular City Commission Meeting was called to order at 5:00 p.m. Alexis Givings, City Clerk, called the roll, and the following were present:

Terrence Moore, City Manager
Lynn Gelin, City Attorney
Alexis Givings, City Clerk

Present: 4 - Commissioner Tom Markert, Mayor Thomas F. Carney Jr., Deputy Vice Mayor Angela Burns, and Commissioner Juli Casale

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

Mayor Carney requested to move Item No. 6.D.4 between Item No. 4.D and Item No. 4.E. It became Item No. 4.E.E.

A motion was made by Commissioner Markert, seconded by Deputy Vice Mayor Burns, to approve the agenda as amended.

all were in favor

4. PRESENTATIONS:

4.A. DELRAY BEACH PUBLIC SCHOOL LEADERSHIP PRESENTATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Rachel Capitano, South Regional Superintendent, provided an update on school performance and progress. Ms. Capitano reviewed school performance data from 2019 through 2025, explaining that while schools had significant room for improvement in 2019, by 2025 progress had been made. Overall, Delray schools improved from 22% A-rated and 67% C-rated in 2019 to 44% A-rated and 33% C-rated, bringing them closer in performance to the district average. She discussed kindergarten readiness, and announced a “Step Into Kindergarten” campaign. She also addressed declining enrollment, noting losses locally and statewide, and outlined efforts to survey families and expand marketing, school showcases, and customer service initiatives. She reviewed academic trends, noting gains in English language arts and math proficiency approaching district averages, strong improvements at several schools, expanded accelerated coursework with full middle school access, increased high school college-level opportunities, and dual enrollment

participation with Palm Beach State College, along with strong graduation outcomes including a 100% rate at Village Academy and increased rates at Atlantic High School. Ms. Capitano highlighted initiatives supporting college, career, and workforce readiness, growth in choice programs including Atlantic High's biomedical engineering program, the success of Historic Carver Technical Education Center, and community partnerships, and requested City assistance with absenteeism, kindergarten readiness and enrollment awareness, and local internships, while recognizing Pine Grove Principal Shantae King and Atlantic High Principal Sandra Edwards for honors received.

The following principals and school representatives provided updates highlighting key programs, achievements, safety measures, academic initiatives, specialized instruction, grants, arts and career pathways, and community partnerships across their campuses.

- Sandra Edwards, Principal of Atlantic High School
- Jerry Riopelle, Principal of Banyan Creek Elementary
- Shannon Grice, Principal of Carver Middle School
- Joe Cortez, Site Administrator for Historic Carver Technical Education Center
- Stephanie Coletto, Principal of Morikami Park Elementary
- Danielle Garcia, Principal of Orchard View Elementary
- Rhonda Smith, Principal of Plumosa School of the Arts
- Jasmine Compere, Representative of Pine Grove Elementary
- A representative from Spady Elementary School
- Latoya Dixon, Principal of Village Academy

Mayor Carney thanked the superintendent, principals, and staff for the informative update and their work.

4.B. PRESENTATION BY MIKE CARUSO, CLERK OF THE CIRCUIT COURT & COMPTROLLER FOR PALM BEACH COUNTY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Mike Caruso, Palm Beach County Clerk of the Circuit Court and Comptroller, presented on scams and property fraud affecting residents, outlining priorities set after his August 2025 election such as modernizing the county's \$10 billion vendor payment system, advocating for a statewide searchable records database, maintaining conservative investment practices, and protecting residents-especially seniors from guardianship and property deed fraud. He highlighted the growing scale and sophistication of scams, including fake calls about unpaid citations or jury duty and property deed fraud schemes using fraudulent quitclaim deeds,

loans, and resales before owners are aware, and described the Clerk's free Property Fraud Alert (PFA) system that emails notifications of recorded documents, allows up to five contacts, and supports rapid response in coordination with law enforcement, while offering his assistance and direct contact to help residents avoid becoming victims.

Mr. Caruso was thanked for his presentation. Residents were encouraged to register with PFA.

4.C. PRESENTATION OF 211 AWARENESS WEEK PROCLAMATION - FEBRUARY 11-17, 2026

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation - 211 Awareness Week 2026.doc](#)

Mayor Carney read the proclamation into the record.

Elizabeth Burrows, Director of Development and Community Relations for 211, Palm Beach and Treasure Coast, shared that 211 has served over 3 million people since 1971, including over 48,000 requests in Palm Beach County and around 3,700 in Delray Beach in 2025, partners with over 1,600 organizations to connect callers with resources, serves as a trusted source to help residents avoid scams, shared updates including the demolition of its Lantana corporate headquarters and the opening of a temporary 12,000-square-foot facility in Delray Beach for about 40 employees, and outlined three ways the community can support 211; sharing the work, funding the work, and doing the work, while highlighting support from the Delray Beach Police Department's Law Enforcement Trust Fund and volunteer opportunities such as the Sunshine Telephone Reassurance Program that provides daily check-in calls to isolated seniors.

Mayor Carney thanked Ms. Burrows and 211 for their service and advocacy in the community.

4.D. CENTENNIAL CERTIFICATE OF RECOGNITION CATHALEEN STUBBS - 100 YEARS OF LEGACY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Certificate of Recognition - Cathaleen Stubbs](#)

Deputy Vice Mayor Burns read the certificate of recognition into the record.

Deputy Vice Mayor Burns highlighted that Mother Stubbs' life exemplifies resilience, compassion, and unwavering faith, with a legacy that inspires her family, church, and the greater Delray Beach community. It was noted to wear pink in honor of her birthday celebration scheduled for Saturday.

4.E.**PRESENTATION TO THE CITY COMMISSION OF INITIAL RECOMMENDATIONS FROM THE OPIOID SETTLEMENT ADVISORY COMMITTEE**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[GA-11 Opioid Litigation Settlement Funds - FINAL](#)

Jeff Oris, Assistant City Manager, stated the purpose of the Opioid Settlement Advisory Committee is to recommend how to expend funds from the statewide opioid settlement for treatment and prevention, with annual plans due July 1; the committee was asked to present by May 1st for Commission adoption in June. He noted prior allocations of \$158,000, remaining funds, and anticipated future funding, and reported the committee has held six meetings, engaged stakeholders including the Drug Task Force, and is seeking Commission direction on priorities before assigning funding.

Jeff Lefton, Board Member, stated the committee prioritized four areas and recommended focusing initial funds on a Paramedicine co-responder model, outlining a city-run program through Fire Rescue paired with a behavioral health professional, or contracting with an outside agency.

Chuck Ridley, Board Member, shared his perspective as a recovering addict and strongly supported the Paramedicine program as an innovative, life-saving approach, noting addicts often do not seek help. He stated that alternatively, funds could be leveraged for recovery supports (employment barriers, supportive housing) and prevention, emphasizing community resources exist but require guidance and investment.

Mr.Oris clarified the committee is requesting direction on whether to prioritize Paramedicine, which would largely consume available funds, or alternative supports likely implemented through grants, noting additional funding such as Caron Funds could supplement efforts.

Commissioners expressed general support for Paramedicine while also discussing leveraging funds and emphasizing prevention. Concerns were raised about duplicating existing services, the scope of a single coordinator's role, and the value of investing in prevention programs.

Discussion included the variability and limits of annual settlement funds (approximately \$62,000-\$92,000), current available funds (\$185,000), and sustainability challenges. Commissioners requested additional information on fund allocations and hospital resource processes.

Terrence Moore, City Manager, concluded that staff would review the feedback, clarify allowable uses of Caron Funding, and return to the Commission with a more structured proposal that may incorporate Paramedicine and prevention strategies. The committee will continue working with staff to develop final recommendations for the Commission's consideration.

The meeting recessed at 7:00 p.m. and reconvened at approximately 7:06 p.m.

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

5.A. City Manager's response to inquiries and highlights

5.A.1. UPDATE AND CLARITY REGARDING ROADWAY IMPROVEMENTS.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Mr. Moore explained that the update was in response to concerns raised two weeks earlier by resident David Harden regarding railway improvement projects, right-of-way landscaping, and jurisdiction issues.

Missie Barletto, Public Works Director, reported that three Transportation Planning Agency (TPA) projects: North Swinton Avenue, Barwick Road, and Lindell Boulevard are all progressing largely on schedule, with North Swinton Avenue slightly behind in phase one but nearing completion. Phase two is expected to move faster. Barwick Road was about halfway complete and projected to finish around mid-summer (July), and Lindell Boulevard was ahead of schedule and expected to be substantially completed in May. Ms. Barletto addressed questions about pedestrian level decorative lighting, explaining those lights are required for federally funded bicycle and pedestrian improvement projects. She noted the lights are installed through the Florida Power & Light contract, meaning the City does not own or maintain the poles and they do not add direct maintenance costs to the City.

Commissioner Casale appreciated Mr. Harden raising questions, but expressed concern about staff spending time preparing full presentations

when only one resident raises an issue. She suggested that extensive presentations might be more appropriate when concerns come from a larger group of residents. Mayor Carney responded that it has long been the City's practice for the City Manager to publicly respond to concerns and Mr. Moore agreed, stating that when issues are raised publicly before the Commission it is appropriate to provide public clarification for the record, and that preparing such updates is not overly time-consuming.

Mayor Carney thanked staff for the informative update.

5.A.2. CLARITY REGARDING PUBLIC RIGHT-OF-WAY LANDSCAPING AND APPLICABLE JURISDICTION.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Sam Metott, Parks and Recreation Director, addressed landscaping concerns, explaining that maintenance along the Lake Ida medians had already been addressed during the routine maintenance cycle. The contractor was asked to give additional attention to removing decaying plant material, which has already improved the area. Mr. Metott also noted that decorative nodes along Second Avenue going north needed attention, and staff had purchased new landscaping to restore those areas.

5.B. From the Public

Mayor Carney opened public comment and noted agenda items related to the seawall (7.C.), car wash (7.D.), and Congress Avenue rezoning (8.C.), would be discussed when those items come up for discussion.

Yvonne Odom, 33445

Expressed strong disappointment and disbelief over what occurred at the previous City Commission meeting regarding her nomination for Commission Seat #2. Reflected on her long family and community history in Delray Beach. Encouraged residents to stay active, attend meetings, and vote.

Montre Bennett, 33444

Spoke about the City Charter and Land Development Regulations (LDRs), arguing that governing documents are not neutral and shape who benefits, who bears the burden, and whose future is protected, stating that when residents say Delray Beach has racist policies they are naming outcomes produced through how the charter is interpreted and how the LDR is

written, applied, and amended, citing restrictive zoning in historically Black neighborhoods, redevelopment that invites outside investment without protecting legacy residents, and prioritization of market growth over community continuity, asserting these are policy decisions that perpetuate inequity. He urged the Commission to amend governing documents to align with the community's stated values.

Alex Burns, 33445

Spoke as a newly selected member of the Vision 2035 Committee. Noted that citizens are at the top of the City charter and are supposed to be helping to run and or make and dictate what goes on in the city, working with elected commissioners and city staff on a pathway forward, not a pathway that says, "No, you can't, but how can we." He described a City Commission meeting that stuck with them, referencing participation at Delray Vision with 90 attendees charting the city's future, comparing it to other planning meetings, stating differences that cannot be changed, differences that should be respected, the difference of white led versus black led, and arguing about unequal support and outcomes in decision-making. He referenced past City decisions and concerns about development, planning, and representation. He concluded by referencing concerns about economic disparity in The Set community, redlining history, the gateway and Atlantic Avenue, and city planning decisions, stating that The Set community has been here for years and is on the bottom of the economic totem pole. Lastly, he warned about policy impacts on West Atlantic, resources, and businesses while calling for mutual respect and expressing concern about how decisions affect the community.

Minister Greta Britt, Founder of United Believers of Delray Beach

Addressed the vacancy in Seat 2, stating that an unfilled seat represents an unrepresented voice. Questioned whether failing to appoint someone based on personal reasoning could constitute a dereliction of duty. Urged leadership guided by integrity, transparency, and service.

Ernestine Holiday, 33444

Reflected on her experiences living through Jim Crow and segregation. Expressed concern that current events resemble a regression. Questioned whether the outcome of the January 20th meeting would have been different if another candidate had received the same support as Yvonne Odom. Urged the City to move forward rather than backward.

Andrea Bruton, 33445

Stated that residents were "cheated out of a full commission" by intentional delay tactics that prevented a special election mandated by the city charter. She questioned why leadership was not ready to appoint someone on November 19, 2025. She stated that commissioners refused to prioritize

City business over personalities and reversed their earlier willingness to select a nominee on January 20th, resulting in what she described as injustice toward the black community and sole nominee Ms. Yvonne Odom, and asked who was the mastermind behind this.

Lucika Suarez, 33444

Proposed creating a dedicated funding line for education to support educational initiatives. Criticized the conduct of commissioners during the prior meeting, saying that visible public support for Mrs. Odom was ignored and described the behavior as unprofessional and inconsistent with leadership expectations. Addressed West Atlantic development planning, by stating that she had participated in community outreach where residents clearly expressed their priorities, and she opposed any effort to dismiss or delay those plans, emphasizing that elected officials are responsible for carrying out the will of the community.

George Long, 33444

Encouraged public participation in an upcoming town hall on the noise ordinance, highlighted Black History Month events, and praised a school zone speed enforcement system, noting its effectiveness in prompting drivers to adhere to changing speed limits.

Steve English, 33444

Criticized the January 20th City Commission meeting as a debacle and a shame and that Delray deserves better. Stressed that words spoken on the dais matter because it goes to the integrity of the democratic process. He stated when words like mischiefs or allegations of bribery of a public official are not followed up on, the citizens deserve better. He stated that it is a bad look for economic development and for the community when there is a perception of an un functional City Commission, and when a civic icon such as Ms. Odom is treated in that manner. He further stated that allegations should be transparently investigated and reported back,.

Debra Walker, 33444

Expressed disappointment that Yvonne Odom was not appointed, stating that many residents shared that view. Thanked the Police and Fire Departments for participating in a drive-by celebration for a resident's 99th birthday, recognizing their community engagement.

Marjorie Waldo, CEO of Arts Garage

Presented data on the economic impact of tourism and the arts, citing 143

million visitors to Florida in 2024 and a \$133.6 billion economic impact. Noted that tourism helps reduce household tax burdens and that arts organizations contribute to employment, education, and community cohesion. Emphasized that arts and culture unify communities and enhance quality of life. She invited the commission to upcoming Arts Garage programming.

Stephanie Immelman, Delray Beach Chamber of Commerce Announced upcoming events, including a candidate forum for Seat 2 and a First Friday Forum featuring Mike Caruso, noting opportunities for both in-person and virtual participation.

Dr. Spencer, 33444 Shared insight from the Overdose Fatality Review Committee, stating every two months, a group of stakeholders from different parts of the system get together and review the cases of a fatality. She encouraged the Commission to make choices that the likelihood of the same harm doesn't show up again in the next generation.

Seeing no one else present, Mayor Carney closed the public comment period.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Casale, to approve the Consent Agenda as amended.

all were in favor

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 20, 2026 Special Meeting Minutes - Closed Attorney Client Session - DRAFT.pdf](#)
[January 6, 2026 Regular Meeting Minutes - DRAFT.pdf](#)

The Minutes were approved.

6.B. RESOLUTION NO. 44-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 10, 2026; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, MARCH 24, 2026; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF ONE CITY COMMISSIONER; APPOINTING THE PALM BEACH COUNTY CANVASSING BOARD TO CANVASS ALL

ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER, AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 44-26 \(2026 Notice of Elections\).docx](#)
[Simple Legal Review Approval Resolution 44-26.docx](#)

This Resolution was approved.

6.C. GRANT OF AN UNDERGROUND EASEMENT AT 1025 MISSION HILL ROAD TO FLORIDA POWER AND LIGHT BY THE CITY OF DELRAY BEACH.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[A1a - Underground Easement - FPL 1025 Mission Hill Rd - City of Delray Beach](#)
[A1b - Legal Review of Underground Easement - FPL 1025 Mission Hill Rd - City of Delray Beach](#)

This Request was approved.

6.D. PROCLAMATIONS:

6.D.1. OBSERVANCE OF PRESIDENT'S DAY - FEBRUARY 16, 2026

Sponsors: City Clerk Department

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

This Proclamation was approved.

6.D.2. BLACK HISTORY MONTH PROCLAMATION

Sponsors: City Clerk Department

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

This Proclamation was approved.

6.D.3. NOTICE OF ELECTION PROCLAMATION AND PRECINCT LIST

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation - 2026 Notice of Election.docx](#)

This Proclamation was approved.

6.D.4.

PROCLAMATION IN HONOR OF RETIRED FIRE RESCUE CHIEF KERRY B. KOEN DEDICATING FIRE STATION 113 TO HIS LEGACY OF SERVICE TO THE CITIZENS OF THE CITY OF DELRAY BEACH AND HIS COMMITMENT TO THE MEN AND WOMEN OF THE DELRAY BEACH FIRE RESCUE DEPARTMENT.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Proclamation - Honor Chief Kerry Koen](#)

Mayor Carney requested to move this item between Item No. 4.D and Item No. 4.E. It became Item No. 4.E.E.

Mayor Carney read the proclamation into the record and presented it to Mrs. Koen.

Ronald Martin, Fire Chief, noted that Chief Koen held many titles such as chief, boss, innovator, leader, mentor, but the most important title to those who knew him was friend. His influence remains throughout the Delray Beach Fire Rescue Department, from command staff to executive leadership. The dedication of the new fire station, designed to optimize service and safety, serves as a lasting tribute to Chief Koen's impact. He shaped the department's culture and defined what public service truly feels like.

Mayor Carney expressed gratitude to Mrs. Koen and her family for sharing him with the community.

This Proclamation was approved.

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

6.E.1.

REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM JANUARY 10, 2026, THROUGH JANUARY 26, 2026.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB \(01-26\) - Delray Beach Water Treatment Plant](#)
[PZB \(01-26\) - 109 SE 5th Avenue - Part 1](#)
[PZB \(01-26\) - 109 SE 5th Avenue - Part 2](#)
[Admin Approval - Cooper's Hawk 1400 South Federal Highway](#)

This Request was approved.

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. APPROVAL OF RESOLUTION NO. 01-26 UNDER AN APPROVED CITY STANDARD CS2026-002 FOR PURCHASE OF PROMINENT® PUMPS DISTRIBUTED SOLELY BY TRINOVA, INC., THE AUTHORIZED SOURCE FOR THE MUNICIPAL MARKET IN SOUTHEAST FLORIDA, IN A TOTAL AMOUNT NOT TO EXCEED \$375,000.

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist CS2026-002 Trinova - ProMinent Pumps City Standard](#)
[CS2026-002 Trinova - ProMinent Pumps City Standard](#)
[CS2026-002 Trinova - Insurance](#)
[Res No 01-26 - Trinova Agmt - ProMinent Pumps City Standard and Sole Source](#)
[Ex A - Res No 01-26 - Trinova Agmt - ProMinent Pumps City Standard](#)
[Ex B - Res No 01-26 - Trinova Agmt - Trinova Sole Source](#)

This Resolution was approved.

6.F.2. APPROVAL OF RESOLUTION NO. 18-26 TO AWARD CONTINUING CONSULTING AGREEMENTS FOR PROFESSIONAL ENGINEERING SERVICES WITH CAROLLO ENGINEERING, INC., AND BAXTER WOODMAN, INC., PURSUANT TO REQUEST FOR QUALIFICATION (RFQ) NO. 2025-007, CONTINUING ENGINEERING CONSULTING SERVICES - UTILITIES.

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Res 18-26](#)
[Carollo Engineering Agmt](#)
[Baxter & Woodman RFQ2025-007 Utilities Continuing](#)
[Legal Review RFQ 2025-007 - Baxter and Woodman CCNA](#)
[Legal Review RFQ 2025-007 - Carollo Engineering CCNA](#)
[Service Authorization RFQ 2025-007](#)
[RFQ 2025-007 Utility Consulting Services Advertised](#)
[BW RFQ 2025-007 Proposal](#)
[Carollo Utilities-WaterTreatment](#)

This Resolution was approved.

- 6.F.3.** APPROVAL OF RESOLUTION NO. 28-26, TO AWARD AN AGREEMENT WITH VENEGROUP SERVICES, INC., D/B/A VNG UTILITY LOCATORS, FOR UNDERGROUND UTILITY LOCATION SERVICES UTILIZING THE CITY OF BOCA RATON SOLICITATION NO. ITB 2025-042-VG, INITIAL 2-YEARS WITH FIVE (5) ONE (1) YEAR RENEWAL OPTION FOR A TOTAL NOT TO EXCEED \$1,271,107.

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Resolution 28-26](#)
[Agreement P2026-016](#)
[Legal Review Checklist form v. 9 - 2025 06 25](#)
[Solicitation ITB 2025-042-VG](#)
[Award Letter for 2025-042-VG](#)
[Supplier Response \(Venegroup Eng\)](#)

This Resolution was approved.

- 6.F.4.** APPROVAL OF A RESOLUTION NO. 43-26 OF THE CITY OF DELRAY BEACH, FLORIDA, RETROACTIVELY APPROVING A GRANT APPLICATION AND APPROVING A GRANT AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY PROVIDING FUNDING TO UPGRADE THE NORTH HIGH SERVICE PUMP STATION AND THE MILLER PARK HIGH SERVICE PUMP STATION IN THE AMOUNT OF \$4,412,729.00 WITH A REQUIRED COST-SHARE OF \$1,103,182.00; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND/OR RENEWALS AND TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Reso 43-26 Utilities Grant](#)
[Simple Legal Review Approval EPA Grant Agreement Water Systems Improvements](#)
[OMB Form CG-06D00526-0](#)
[fy 2026_epa_general_terms_and_conditions_effective_october_1_2025_or_later](#)

This Resolution was approved.

6.F.5. APPROVAL OF RESOLUTION NO. 30-26 TO AWARD AN AGREEMENT WITH BELFOR USA GROUP, INC. FOR JOB ORDER CONTRACTING UTILIZING REGION 4 EDUCATION SERVICE CENTER REQUEST FOR COMPETITIVE SEALED PROPOSAL NO. 24-16 FOUR (4) YEAR AGREEMENT IN THE ESTIMATED AMOUNT OF \$4,370,950.00.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution 30-26](#)
[MSA - Belfor USA Group Delray Beach \(BELFOR rev.1.26.26\) \(002\)](#)
[Legal Review Checklist Belfor](#)
[Region 4 ESC Solicitation No. 24-16](#)
[R241602 Belfor Executed Contract](#)
[BELFOR USA Group response](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. APPROVAL OF A RESTORATION CONCEPT FOR THE CREST THEATRE AUDITORIUM PROJECT

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Crest Theatre Concept Design Report -Draft 01.16.26](#)

Missie Barletto, Public Works Director, introduced auditorium renovation team of architects, which included Michael Schnoering and Katherine Frey from Mills + Schnoering Architects, and Jody Kovalick from Schuler Shook.

Michael Schnoering explained that the project is currently in the concept design phase, which includes a broad review of the building, its conditions, code issues, and future uses. He outlined Three Options: Base scope, Option One and Option Two.

Option one includes significant upgrades to accessibility, a formal elevator, and theater system upgrades for better functionality in musical theater, multi-act plays, and cinema. Option two builds on the base option with basic upgrades to technology.

Ms. Frey added the base scope work included general renovations within the existing footprint, finished upgrades, seating replacement, lighting and sound improvements, accessible dressing rooms, wheelchair lift replacement, stage ramp access, accessible seating, and balcony modifications. Mr. Kovalick noted this scope restores essential functionality and safety, including stage curtains, lighting, public address and assisted listening systems, and upgrades to acoustics, electrical, HVAC, plumbing, and structure, which currently doesn't exist. Option One expands the footprint of the building in two areas; the rear and the side.

Mr. Kovalick presented Option Two, which builds on Option One with advanced technical upgrades, including a tension wire grid replacing the catwalk, mezzanines, expanded lighting, rigging, and audio-visual systems, including live-streaming, with supporting electrical and structural upgrades for maximum flexibility.

Mr. Schnoering noted cost estimates are conceptual, with the base scope at approximately \$3 million, Option One; adding building and technology improvements, and Option Two; providing further enhancements, with phasing options available.

Missie Barletto noted that the items in each option basket can be moved around depending on what is desired for the auditorium. She added the directive was to bring the auditorium back to the functionality it had previously, which would be Option One.

Commissioner Markert asked about balcony safety, and Ms. Barletto stated she had a signed and sealed letter from the architects that say that the balcony is structurally sound for the purposes that the City wants to use it for. Deputy Vice Mayor Burns asked about a feasibility study, and Ms. Barletto clarified the feasibility study is for the entire campus, not just the auditorium.

Jody Kovalick confirmed that the renovations will include most in-house theater equipment to reduce rental costs and allow revenue opportunities.

There was consensus among the Commission to proceed with design planning toward Option Two, with flexibility to phase or adjust certain components as needed.

- 7.B. RESOLUTION NO. 26-26 AMENDING THE FISCAL YEAR 2025-26 BUDGET ADOPTED BY RESOLUTION NO. 198-25 ON SEPTEMBER 15, 2025.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 26-26 Budget Amendment FY 2026](#)
[Exhibit A 26-26 with backup Rev1](#)
[Simple Legal Review Approval Resolution 26-26](#)

Ms. Gelin read Resolution No. 26-26 into the record.

City Manager Terrence Moore explained that the resolution involves two line-item adjustments within the Department of Neighborhood and Community Services. The first adjustment is within the general fund, with no net change, reflecting an expense-to-expense transfer within a specific line item. The second adjustment involves the sanitation fund, also with no net change, in the amount of \$79,408, reflecting an expense-to-expense transfer within the general fund. These adjustments are based on level-of-service approvals that were authorized during the current fiscal year's proposed budget process. Mr. Moore noted that Deputy Chief Financial Officer Carmen Aleman and Director of Neighborhood and Community Services Jeri Pryor were present to address any questions.

A motion was made by Commissioner Casale, seconded by Commissioner Markert to approve Resolution No. 26-26.

- 7.C. RESOLUTION NO 29-26. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO TABLE 7.1.7(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A SEAWALL TO BE CONSTRUCTED ABOVE THE BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 614 NW 8TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[614 NW 8th Avenue - Resolution No. 29-26](#)[614 NW 8th Avenue - FDEP ACOE Approval](#)[614 NW 8th Avenue - plans](#)[614 NW 8th Avenue - Survey](#)[614 NW 8th Avenue - Justification Statement](#)[614 NW 8th Avenue - Photos existing property](#)[Res 29-26 - Seawall Waiver - 614 NW 8th Ave - Bettina Stepan Residence Trust](#)

Ms. Gelin read Resolution No. 29-26 into the record.

Mayor Carney read the quasi-judicial rules into the record. He also requested that anyone intending to speak on this item and other quasi-judicial items be sworn in by the City Clerk.

Ms. Givings swore in those that wished to speak on Item Nos. 7.C., 7.D. and 8.C.

Anthea Gianniotis, Development Services Director entered Project File No. PZ 000347-2025 into the record.

Mayor Carney asked his colleagues to disclose any ex-parte communication.

Mayor Carney: None

Deputy Vice Mayor Burns: None

Commissioner Casale: None

Commissioner Markert: None

Bettina Stepan, representative for the applicant, stated the waterfront residential lot in the Lake Ida area has approximately 80 linear feet of canal frontage and the home is fully permitted and constructed, pending seawall improvements. She explained that the request is to allow a 12 foot elevation to comply with the approved civil drainage plan due to unique site conditions where the crown of the road is much higher than the canal, requiring a finished floor over 18 feet. She added that strict compliance with the base flood elevation would create unsafe conditions such as a steep slope and hazardous drop off, while the proposed seawall supports shoreline stabilization, erosion control, and aligns with approved engineering plans and regulatory approvals. It is consistent with similar elevations in the area, emphasizing that the waiver is necessary to meet drainage, safety, and code requirements without creating unsafe conditions. She noted that all regulatory approvals from the Florida Department of Environmental Protection and the Army Corps of Engineers

are in compliance, with no anticipated adverse impacts.

Ms. Gianniotis confirmed that there is a uniqueness to the situation with the yard, where the crown of the road slopes downward and even at 12 feet the sea wall is only the height of the middle elevation of the yard, explaining that the limitation on height is typically meant as a balance between resiliency and protecting neighboring properties. She noted that the existing yard has a dramatic slope from about 18.5 down to 8.75, emphasizing that this uniqueness prevents the request from being a special privilege.

Mayor Carney opened the floor to public comment. Seeing no one present, Mayor Carney closed public comment.

There was no rebuttal from either the applicant or the City.

Commissioner Casale raised a question regarding potential adverse impacts on neighboring properties, particularly whether the increased seawall height could affect adjacent yards. Ms. Gianniotis responded that the surrounding properties have similar elevations and that the conditions are consistent across the area.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns to approve Resolution No. 29-26. The motion carried by the following vote:

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

7.D.

RESOLUTION NO. 10-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REVERSING THE PLANNING AND ZONING BOARD'S RECOMMENDATION TO DENY A LEVEL 4 SITE PLAN APPLICATION WITH ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN AND CONDITIONAL USE REQUEST TO ALLOW A 4,207 SQUARE FOOT CAR WASH AT 14145 SOUTH MILITARY TRAIL AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A CONDITIONAL USE TO ALLOW AN AUTOMATIC CAR WASH; APPROVING A LEVEL 4 SITE PLAN WITH ARCHITECTURAL ELEVATIONS AND LANDSCAPE PLAN FOR SAID PROPERTY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 10-26 Conklin Carwash Appeal](#)
[Applicant Justification Statement, Conklin Car Wash](#)
[Site Plan, Architectural Plan, Floor Plan](#)
[Engineering Plans with Oil and Water Separator](#)
[Landscape and Irrigation Plans](#)
[Photometric Plan](#)
[Arborist Report](#)
[Noise Study](#)
[Traffic Statement](#)
[TPS Letter](#)
[Supplemental Material - 1.13.26 - Needs Study](#)
[Supplemental Material - 1.13.26 - Signal Warrant & Traffic Operations Analysis](#)
[Supplemental Material - 1.13.26 - Updated Noise Study](#)
[Simple Legal Review Approval](#)

Ms. Gelin read Resolution No. 10-26 into the record.

Mayor Carney asked for anyone who had not been sworn in previously to be sworn in.

Ms. Givings swore in those that had not been sworn in.

Ms. Gianniotis entered two files into the record: 2025-110, which is the conditional use and 2025-109, which is the accompanying level four site plan application.

Ms. Gelin noted that the item is an appeal and reminded that this is a de novo hearing, meaning the Commission is not bound by the Planning and Zoning Board's decision and may consider the application anew.

Mayor Carney asked his colleagues to disclose any ex-parte communication.

Mayor Carney: Spoke with the applicant's representative, Brad Miller.

Deputy Vice Mayor Burns: Spoke with the applicant, the attorney, and the legal counsel of the homeowners association.

Commissioner Casale: Spoke with the applicant and whatever is on the server.

Commissioner Markert: Spoke with the applicants, their attorney, and have some leftover papers as well.

Ms. Gelin mentioned that she provided a packet of emails that were on the

server.

Matthew Scott, zoning attorney on behalf of the applicant Fazio Consulting LLC, stated they are seeking approval for a conditional use application for a car wash and a level four site plan application. He explained the applicant bears the burden of showing they meet all criteria in the code through competent, substantial evidence and are entitled to approval if those criteria are met unless opposing evidence shows otherwise, clarifying this is not a rezoning request but a conditional use application, and stating the client is a long-time family-run car wash operator with over 75 years of experience in South Florida and that they believe they meet all requirements and the proposal will be an improvement for the area.

Bradley Miller, land planner with Urban Design Studio, presented the project, explaining the parcel is zoned general commercial, allows for car washes subject to conditional use approval, and described the site plan including access from Conklin Drive, queuing, circulation, buffers, walls, landscaping, and proximity to residential areas. He stated the project design includes architecture, vacuum spaces, and shading features, and that key concerns were lighting, noise, and traffic, noting they are seeking no variances, meet code in all ways, and are proposing additional measures such as motion sensor lighting and further noise reduction to exceed code requirements.

J.T. Stephens, noise consultant with LSA Associates, stated noise standards were met and further reduced by removing two blowers and adding noise-reducing walls and silencers, which Mr. Scott confirmed were additional refinements after Planning and Zoning Board review.

Adam Kerr, professional engineer with Kimley-Horn & Associates, stated the traffic study was approved by Palm Beach County, confirming the project meets standards, generates less traffic than other permitted uses, requires no roadway improvements, and does not warrant a traffic signal at the location.

Clayton Belger, BBG Real Estate, stated market analysis supports the need for an additional express car wash in the area, and Mr. Scott concluded the project meets all code and conditional use criteria with no significant detrimental impact on the neighborhood.

Ms. Gelin put into the record a copy of the staff report. She clarified the request is a conditional use, not a permitted use, and is subject to Commission discretion, with authority to impose conditions to mitigate impacts, and noted disagreement with prior statements made by Mr. Scott.

Ms. Gianniotis, presented the request, noting the site is zoned General Commercial, surrounded by commercial and residential uses, and located within the City's annexation area. She explained a conditional use is not permitted by right and requires findings that it is not detrimental to neighborhood stability or redevelopment, and may be revoked if impacts such as noise exceed expectations. She stated traffic is a primary concern, with County approval indicating no required roadway improvements, though trips on Conklin Drive are expected to nearly double, and reviewed site circulation and activity levels. She noted noise studies meet current standards and proposed ordinance thresholds, with blower reductions made, and discussed lighting, buffering, walls, and landscaping as mitigation measures, while raising questions about sound, safety, and design details. She concluded considerations include compatibility with surrounding uses, adequacy of mitigation measures, traffic impacts, and whether the use affects neighborhood stability, noting the Planning and Zoning Board recommended denial and the Commission may consider the request de novo.

Mayor Carney opened the floor to anyone who wished to speak on this item and noted that anyone that provides testimony is subject to cross examination.

Lori Vinikor, 33446, President of the Alliance of Delray Residential Associations

Spoke in support of the Planning and Zoning Board's denial. Argued the project is incompatible with surrounding residential and agricultural uses. Raised concerns about traffic safety, environmental impacts, and noise traveling beyond barriers.

Hank Vogel, 33484, Conklin Drive resident

Provided photos. Spoke in support of the Planning and Zoning Board's decision. Raised concerns about groundwater contamination affecting private wells. Questioned the accuracy of traffic projections and the project's financial feasibility.

Mike Caruso, 33484

Described dangerous real-world traffic conditions at Military Trail and Conklin Drive, supported by video. Recounted a fatal crash at the intersection. Stated that adding more vehicles would worsen an already hazardous situation.

Dr. Marcy Weiss, 33484, President of the Sierra Vista Homeowners Association

Spoke on behalf of residents. Emphasized public safety concerns, citing multiple recent crashes, and stated that traffic impacts could not be

mitigated despite discussions with the applicant. Urged denial based on safety, compatibility, and community concerns.

Erin Sullivan, 33484

Described a recent crash that caused major traffic delays. Emphasized concerns about congestion, environmental impacts, noise, and light pollution. Argued the project would degrade community safety and livability.

Robert Burkland, 33484, High Point resident

Described heavy traffic and difficulty navigating the area, particularly due to u-turn patterns. Expressed concern that additional traffic would worsen already stressful and unsafe conditions.

David D'Amico, 33484

Presented video evidence of a recent crash and a similar car wash in operation, arguing that traffic accidents are frequent and that the proposed use would intensify congestion. Noted the number of nearby car washes already in the area.

Lynn Holtzman, 33484

Argued the project would have a detrimental effect on neighborhood stability, citing increased traffic, noise, and potential exposure to chemicals. Stated the use is incompatible with residential living and would negatively impact health and property values.

Lauren Richards, 33484

Emphasized that homes as close as approximately 41 feet would experience constant noise, light, and disruption. Stated that such proximity to an intensive commercial use would reduce property values and undermine zoning protections.

Jacqueline Wardwin, 33484

Stated she lives closest to the proposed site and would experience severe impacts, including noise, loss of outdoor use, and sleep disruption.

Mitch Katz, 33445, Planning and Zoning Board member speaking personally

Stated he initially supported the project but voted to deny it after recognizing significant safety concerns, particularly related to u-turn traffic and the lack of viable mitigation options.

Leia Culuso, 33484, Registered Nurse

Spoke about public health risks, particularly potential contamination of private well water. Noted the absence of groundwater studies, monitoring, and fail-safe systems, and emphasized that conditional use approval is

discretionary.

Eric Calcagno, 33484, Firefighter/Paramedic Captain

Raised concerns about emergency access, noting that increased traffic and potential backups could hinder emergency response on a dead-end residential street.

Jeff Overstreet, 33484

Argued the project does not meet multiple land development regulations and would significantly increase traffic. Emphasized safety risks, emergency access concerns, and deficiencies in the applicant's supporting studies.

Thomas Gary, 33484

Described daily traffic challenges during peak hours, including blocked lanes and dangerous conditions when attempting to access Conklin Drive. Warned that additional traffic would exacerbate an already unsafe situation.

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

Mr. Scott chose not to cross-examine individual residents and instead requested time for rebuttal. The Commission allowed him five minutes to respond. Mr. Scott thanked the public for input and stated the hearing must be based on competent, substantial evidence, noting public comments did not include technical expertise. He emphasized traffic as the primary concern, addressing staff and public comments regarding a projected doubling of trips, and requested clarification on overall traffic capacity and accident data.

Mr. Kerr stated that while trips may double to over 300 per day, this remains minimal compared to the roadway capacity standard of approximately 15,000 vehicles per day. He also stated that traffic studies and crash data did not indicate conditions warranting a signal or other roadway improvements.

Jeff Fazio stated he has extensive experience in the car wash industry and explained that groundwater protection and design are strictly regulated by state and county codes, including permitting and inspections. He noted modern industry practices have significantly improved safety, including chemical handling and elimination of hazardous substances, emphasizing compliance with environmental and EPA standards.

Mr. Scott stated public concerns were generalized and not based on competent, substantial evidence, noting the project meets all code requirements for traffic, noise, and lighting. He emphasized the conditional

use standard requires a significantly detrimental impact, which staff determined does not exist, and requested approval of the application.

At this time, the meeting recessed at 10:15 p.m. and reconvened at 10:19 p.m.

Ms. Gianniotis questioned traffic capacity and access on Conklin Drive, noting it is a dead-end, while Mr. Kerr stated projected trips remain well below roadway capacity. She cited site plan standards regarding accident risks and raised concerns about traffic on a residential street, and noted noise levels are near allowable limits and must comply with current and future standards. She stated the staff report acknowledges the County traffic performance standards letter, which evaluates impacts on Military Trail and determines no roadway interventions are required, noting it does not address impacts on the local road, Conklin Drive.

Mr. Scott was granted five minutes to cross-examine staff after their comments. He referenced the staff report regarding traffic and stated projected trips would double on Conklin Drive but remain within County-approved standards, noting the City relies on County traffic analysis and comprehensive plan policies rather than independently reevaluating roadway capacity findings.

Ms. Gianniotis confirmed the County is the authority over Military Trail traffic and reiterated concerns regarding local street impacts, while discussion also addressed noise studies, with staff noting data was based on actual equipment and showing reductions but raising questions about potential sound exceedances.

Ms. Gelin noted procedural limits of the quasi-judicial process.

Commissioner Casale noted the decision is difficult, and raised concerns about traffic, neighborhood impacts, and potential noise mitigation measures, while acknowledging possible buffering and design options.

Deputy Vice Mayor Burns stated the project would have a significantly detrimental effect on neighborhood stability.

Commissioner Markert stated opposition due to multiple concerns.

Mayor Carney expressed concerns regarding noise and traffic impacts on Conklin Drive, noted broader site plan considerations beyond conditional use, and stated the project may negatively impact the neighborhood due to circulation and congestion issues.

A motion was made by Commissioner Markert, and seconded by Deputy Vice Mayor Burns, to deny the approval of Resolution No. 10-26. The motion carried by

the following vote:

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

7.E. RESOLUTION NO. 41-26. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE CREATION OF AN AUDIT COMMITTEE AND ESTABLISHING SUCH POWERS AND DUTIES OF THE COMMITTEE; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Internal Audit

Attachments: [Agenda Cover Report](#)
[Resolution 41-26 Establishment of Internal Audit Committee](#)
[Resolution 41-26 Establishment of Internal Audit Committee - Legal Review Checklist](#)

Ms. Gelin did not read the resolution into the record.

Mayor Carney expressed concern that the item differed from the requested Financial Review Board and noted prior discussions focused on a review function rather than auditing.

Commissioner Casale clarified intent was to establish a financial review function rather than an audit committee, acknowledged confusion in terminology, and requested the item be pulled for further discussion. She also raised concerns about agenda changes without Commission consensus and called it a violation of the City Charter.

Mr. Moore stated that the item was not removed and there was no direction to pull anything. A discussion ensued regarding last-minute modifications after agenda publication.

There was consensus to bring the item back for further clarification and discussion of expectations and structure at the February 24th Regular Meeting.

7.F. NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIRE RETIREMENT SYSTEMS BOARD. BASED ON THE ROTATION SYSTEM, THE APPOINTMENT FOR ONE (1) REGULAR MEMBER TO SERVE AN UNEXPIRED TERM ENDING OCTOBER 31, 2028, WILL BE MADE BY COMMISSIONER MARKERT (SEAT#1).

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A](#)
[Firefighters Retirement Systems Board Member List](#)
[2025 Attendance - FIRE](#)
[Crossan, Daniel](#)
[Dorrow, Joan](#)
[Finkel, Andrew](#)

Commissioner Markert nominated Joan Dorrow.

all were in favor

7.G. NOMINATION FOR AN APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD. BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR AN APPOINTMENT OF ONE (1) MEMBER TO SERVE AN UNEXPIRED TERM ENDING JULY 31, 2027, WILL BE MADE BY COMMISSIONER JULI CASALE (SEAT #3).

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A](#)
[GIAB Board Member List](#)
[GIAB 2025 Attendance](#)
[Edwards, John](#)
[Forcier, Anick](#)
[Rubenstein, Stuart](#)
[Wieland, John](#)

Commissioner Casale nominated John Edwards.

all were in favor

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 10-26: 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 CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.3, "NONCONFORMING USES, LOTS, AND STRUCTURES," SECTION 1.3.2, "NONCONFORMING LOTS OF RECORD," TO REMOVE THE DEFINITION OF A NONCONFORMING LOT OF RECORD; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, "ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP," SECTION 4.1.4, "USE OF LOTS OF RECORD," TO ALLOW THE

REDEVELOPMENT OF PREVIOUSLY DEVELOPED NONCONFORMING LOTS OF RECORD AND TO ELIMINATE RELIEF PROCEDURES, AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.1, "APPLICATION OF DISTRICT REGULATIONS," TO ELIMINATE RELIEF PROCEDURES AND TO ADD ALLOWANCES FOR LOTS OF RECORDS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICTS;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SECTION 4.7.8, "OTHER INCENTIVES," TO ADD DESIGN REQUIREMENTS AND SETBACK RELIEF FOR WORKFORCE HOUSING UNITS; AND AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF "LOT OF RECORD" AND ADOPT A DEFINITION FOR A LEGACY PROPERTY, NONCONFORMING LOT, AND NONCONFORMING LOT OF RECORD;" PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Lots of Record](#)
[Ordinance No. 10-26, Lots of Record](#)
[Legal Review, Ordinance No. 10-26](#)
[BIE, Ordinance No. 10-26](#)
[Proof of Legal Advertisement, Ordinance No. 10-26](#)

Ms. Gelin did not read the ordinance into the record.

There was discussion regarding postponing this item.

Ms. Gelin noted that if Mr. Costello spoke at this meeting he would not be permitted to speak at the next meeting.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to postpone Ordinance No. 10-26 to the February 24, 2026 Meeting at 5:00 p.m.or thereafter.

all were in favor

8.B.

ORDINANCE NO. 05-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING PARCELS OF LAND MEASURING APPROXIMATELY 7.6 ACRES LOCATED AT 2855, 2875, AND 2905 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM CONGRESS AVENUE MIXED USE TO COMMERCE 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](#)
[Ord 05-26 - 955-975 S Congress Ave - LUM](#)
[PZB Staff Report](#)
[Existing and Proposed Land Use and Zoning Justification Statement](#)
[Traffic Impact Statement](#)
[CBRE Congress Avenue Strategies Plan](#)
[BIE Ord. No. 05-26 - LUMA](#)
[Simple Legal Review Approval 05-26](#)
[Ex-Parte Form - Ord. 05-26 LUMA](#)
[Proof of Legal Ad - 1.23.26](#)

Ms. Gelin noted that Items 8.B. and 8.C. were related and if the meeting extended past 11:00 p.m., the Commission would need to vote to continue.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to proceed past 11:00 p.m.

all were in favor

Ms. Gelin noted that the items were quasi-judicial even though it's not indicated on the agenda. She read Ordinance No. 05-26 and Ordinance No. 04-26 into the record.

Mayor Carney confirmed the applicant's representative had been sworn in earlier and asked his colleagues to disclose any ex-parte communication.

Mayor Carney: None.
Deputy Vice Mayor Burns: None.
Commissioner Casale: None.
Commission Markert: None.

Ms. Gianniotis entered File Nos. PZ-174-2025 and PZ-172-2025 into the record.

David Millage, applicant's representative, explained that the property

consists of three parcels with five existing office warehouse buildings totaling approximately 102,000 square feet. The request sought to change the land use designation from Congress Avenue Mixed Use (CMU) to Commerce (CMR) and rezone the property from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC). He provided historical context, noting the site was originally approved for light industrial use, later rezoned in 1990, and then changed again in 2006-2007 as part of a city-initiated corridor update. He stated that the current MROC zoning creates nonconforming uses, making it difficult to attract and retain tenants, especially those in industries such as cabinetry, HVAC, and manufacturing.

Ms. Gianniotis supported the request, explaining that the City has limited industrial space, only 4% of land allows industrial use and about 2% is actively used for it, and emphasized the importance of preserving existing industrial clusters. She also noted that the proposal would result in a significant decrease in traffic and help resolve conflicts between existing building design and current zoning restrictions. Additionally, she explained that if spaces remain vacant too long, they lose their nonconforming status, further limiting viable uses.

Mayor Carney opened the floor to public comment for Item Nos. 8.B. (Ordinance No. 05-26) and 8.C. (Ordinance No. 04-26). Seeing no one present, Mayor Carney closed public comment.

Commissioner Casale asked about the impact on Live Local Act development potential. Ms. Gianniotis clarified that the change would not increase development intensity and that Live Local provisions would still be governed by the highest density and height standards, meaning the practical effect would remain the same.

Commissioner Casale expressed support for the item. Mayor Carney commented that the zoning change would likely make the property more economically viable and reduce the likelihood of it being sold.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns to approve Ordinance No. 05-26.

all were in favor

8.C.

ORDINANCE NO. 04-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING PARCELS OF LAND MEASURING APPROXIMATELY 7.6 ACRES LOCATED AT 2855, 2875, AND 2905 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL TO MIXED INDUSTRIAL AND COMMERCIAL; 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](#)
[Ord 04-26 - 955-975 S Congress Ave - Rezoning](#)
[PZB Staff Report](#)
[Existing and Proposed Land Use and Zoning](#)
[Justification Statement](#)
[Traffic Impact Statement](#)
[CBRE Congress Avenue Strategies Plan](#)
[BIE Ord. No. 04-26 - Rezoning](#)
[Simple Legal Review Approval 04-26_KB](#)
[Ex-Parte Form - Ord. 04-26 Rezoning](#)
[Proof of Legal Ad - 1.23.26](#)

Ordinance No. 04-26 was read into the record with Item No. 8.B.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 04-26 by the following vote.

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

8.D.

ORDINANCE NO. 08-26 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY REPEALING SECTION 96.18, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS" AND READOPTING SAME, AS REVISED, AS A NEW SECTION 96.12, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS," REESTABLISHING THE CITY-WIDE AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KIT PROGRAM, WITH REVISIONS TO PROVIDE DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS IN THE ORDINANCE, TO REQUIRE ALL BUSINESS OCCUPANCIES EXCEEDING 20,000 SQ. FEET PROVIDE AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS, AND TO AUTHORIZE THE FIRE MARSHAL OR DESIGNEE THE DISCRETION TO MAKE ADJUSTMENTS TO THE LOCATION OF AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING FOR IMMUNITY FROM CIVIL LIABILITY PURSUANT TO FLORIDA STATUTE 768.1325, 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](#)

[Ex A to Ordinance 08-26 aed and stop the bleed repeal and replace](#)

[Exhibit B 08-26 12.9.25](#)

[Ordinance 08-26 AED Ordinance Final 12.9.25](#)

[Ordinance Legal Review 08-26](#)

[Ord. 08-26 Posting](#)

[AED-BCK update 2-3-26](#)

Ms. Gelin read Ordinance No. 08-26 and Ordinance No. 09-26 into the record, as they were related.

Mayor Carney asked whether a presentation from the Fire Chief was necessary. Ms. Gelin indicated it was not. She mentioned a previous question that was raised regarding placing equipment on every other floor might be burdensome for businesses. She stated that after discussions with Chief Martin and Chief Mazzeo, she was comfortable that the ordinance is consistent with similar measures adopted in surrounding areas.

Mayor Carney opened the floor to public comment for Item Nos. 8.D. (Ordinance No. 08-26) and 8.E. (Ordinance No. 09-26). Seeing no one present, Mayor Carney closed public comment.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 08-26.

all were in favor

8.E.

ORDINANCE NO. 09-26 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 APPENDIX A, "DEFINITIONS" TO REMOVE THE DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KIT; 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](#)
[BIE Ordinance No.09-26](#)
[Ordinance 09-26 AED LDR Amendment 12.9.25](#)
[Ordinance Legal Review 09-26](#)
[Ord. 09-26 Posting](#)
[AED-BCK update 2-3-26](#)

Ordinance No. 09-26 was read into the record with Item No. 8.D.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 09-26.

all were in favor

9. FIRST READINGS:

9.A. ORDINANCE NO. 03-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTION 32.64, "QUALIFICATIONS", TO CLARIFY THE CRITERIA FOR APPOINTMENT OF BOARD MEMBERS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: City Attorney Department

- Attachments:** [Agenda Cover Report](#)
[Ord 03-26](#)
[Equal Protection Concerns - Police Advisory Board Appointments Process](#)
[Letter Regarding Correspondence Dated November 13, 2025](#)
[Business Impact Estimate Ord 03-26](#)

Ms. Gelin read Ordinance No. 03-26 into the record.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 03-26.

all were in favor

9.B. ORDINANCE NO. 13-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TITLE III, "ADMINISTRATION," CHAPTER 36, "ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF CITY PROPERTY", SECTION 36.02, "COMMISSION APPROVAL REQUIRED", TO INCREASE THE THRESHOLD FOR CITY COMMISSION APPROVAL OF ACQUISITIONS FROM \$65,000 TO \$100,000; 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](#)
[Ord 13-26 purchasing authority for CM](#)
[BIE ord 13-26 amending purchasing code](#)
[Legal Review Ordinance Amending Ch. 36](#)

Ms. Gelin read Ordinance No. 13-26 into the record.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 13-26.

all were in favor

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Moore gave a brief reminder about an upcoming noise ordinance town hall meeting scheduled for Thursday, February 5th, from 5:30 p.m. to approximately 7:00 p.m. at the Vintage Gym located on the Old School Square campus. He noted that communication would be updated to reflect the correct details.

B. City Attorney

None.

C. City Commission

Commissioner Casale:

Announced a Historical Society "Paint and Sip" event on Friday, February 27th.

Mentioned an event hosted by Lori Durant at Lilly Pulitzer on Saturday, February 28th from 3:30 p.m. - 6:30 p.m., which supports high school seniors in the debutante's mentorship program.

Complimented Gina Carter on an article in *The Atlantic Ave* and mentioned she enjoyed her new mug.

Addressed Mr. Moore, expressing concern about a proposed resolution potentially being removed less than 24 hours before it was scheduled to be heard, stating it was unfair to residents. Emphasized that there was no consensus from the Commission and noted she had raised this issue multiple times. Stated that next time she would demand action from her colleagues and urged that a majority consensus be obtained before taking

such actions in the future.

Commissioner Markert:

None.

Deputy Vice Mayor Burns:

Congratulated Gina Carter and her team on the success of the previous month at the Creative Arts School.

Mayor Carney:

None.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 11:09 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.