

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Final

Monday, September 16, 2024

6:00 PM

Final Budget Public Hearing/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 September 16, 2024, Final Budget Public Hearing/Regular Commission Meeting was called to order at 6:03 p.m.

Deputy City Clerk Alexis Givings, called the roll, and the following were present:

Terrence Moore - City Manager
Lynn Gelin - City Attorney

This was approved.

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Carney requested to pull Consent Item No. 6.M.1. so that he may read the proclamation into the record. It became Item No. 4.C.

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

all were in favor

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

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTING GLENDA RIVERA WITH AN EXEMPLARY EMPLOYEE AWARD

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Nomination Exemplary Performance Award Rivera - signed](#)
[Exemplary Employee Performance Award \(GA-43 Rev.\)](#)

Hugh Dunkley, Chief Financial Officer, acknowledged Ms. Rivera's outstanding contributions to the Finance Department, which earned her this award. He mentioned her tireless work on the City's new time-keeping operating system. He stated that Ms. Rivera has a broad knowledge of the Finance Department's operations and is always willing to help her

co-workers.

4.B. PUBLIC VISIONING EFFORT TO CONSIDER VISION 2040 INITIATIVE

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

Anthea Gianniotis, Development Services Director, presented the "Always Delray Comprehensive Plan" adopted in 2020. She stated the plan was primarily developed through public visioning efforts and identified the City's areas that should be changed, places that should be protected, and priorities for future plans. Ms. Gianniotis stated that staff was seeking direction from the Commission regarding which areas of the Comprehensive Plan they would like to prioritize.

The Commission engaged in a discussion on the City's development priorities for specific areas.

Mr. Moore asked for the Commission's support to work with Development Services to identify priority areas throughout the City and then schedule a workshop to discuss the findings.

There was a consensus amongst the Commission.

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 stated that, at Commissioner Markert's request, Missie Barletto, Director of Public Works, would be presenting an update on the Crest Theatre Building.

5.A.1. UPDATE REGARDING CREST THEATER BUILDING

Sponsors: City Manager Department

Missie Barletto and Gina Carter, Director of Communications, provided an update/timeline on the renovations and design for the Crest Theatre and the Creative Art School. She mentioned the Department of Communications had been temporarily relocated to the Crest Building.

Vice Mayor Casale mentioned that Windmill Productions requested to be allowed to stage a Christmas Show, but Ms. Barletto pointed out not all areas of the theatre were structurally sound.

The Commission thanked Missie and Gina for their hard work.

5.B. From the Public

Montre Bennett, 323 NW 2 Avenue, Delray Beach
Requested keeping West Atlantic Avenue as part of “The Set Community.”

Stephaine Immelmann, CEO of the Delray Beach Chamber of Commerce
Thanked Deputy Vice Mayor Long and Commissioner Burns for attending the Education Roundtable Discussion and Mayor Carney for attending the Education Breakfast.

Michael Morrill, South Florida Account Executive for the South Florida League of Cities, representing the Florida Municipal Insurance Trust (FMIT).

Discussed the reasons for maintaining the City’s coverage with FMIT as it has for the past fifteen (15) years.

Dolores Rangel, 619 NW 45 Drive, Drive Beach
Expressed her concern about missing pages from a public records request she requested. She also inquired about a City employee being paid while on Administrative Leave for a disciplinary action, which was against the City’s Administrative Policies and Procedures.

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 Markert, that this be approved as amended.

all were in favor

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](#)
[August 19, 2024 Regular Meeting Minutes - DRAFT - REVISED](#)
[September 3, 2024 1st Budget Public Hearing - Regular Meeting Minutes - DRAFT](#)
[September 10, 2024 Workshop Meeting Minutes - DRAFT](#)

The Minute were approved.

6.B. APPROVING AN AMENDMENT TO CHANGE THE NAME OF THE MAJOR SUBDIVISION PLAT APPROVED AS "MAGNOLIA PLACE" TO "MAGNOLIA PLACE DELRAY"

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[MAGNOLIA PLACE DELRAY SHEET 1](#)
[MAGNOLIA PLACE DELRAY SHEET 2](#)
[Certificate of No Plat - Palm Beach County - 8-29-24](#)
[Res. No. 19-24](#)

This Request was approved.

6.C. ACCEPTANCE OF A LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROPERTY LOCATED AT 319 NE 3RD AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[LMA - 319 NE 3rd Avenue](#)
[Legal Review](#)
[Landscape Plan](#)

This Request was approved.

6.D. ACCEPTANCE OF A RIGHT OF WAY DEDICATION ALONG THE WEST SIDE OF THE PARCEL KNOWN AS 319 NE 3RD AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[ROW Dedication Deed](#)
[Site Plan \(for reference\)](#)
[Legal Review](#)

This Request was approved.

6.E. MOTION TO APPROVE AMENDMENT NO. 8 TO RFP NO. 2016-069L WITH TYLER TECHNOLOGIES INC. FOR MUNIS UTILITY BILLING SOFTWARE AS A SERVICE IN THE AMOUNT OF \$200,000 PER YEAR FOR THREE YEARS PLUS \$700,000 IMPLEMENTATION TOTALING \$1,300,000.00.

Sponsors: IT Department

- Attachments:** [Agenda Cover Report](#)
[Simple Legal Review Approval Tyler Amendment 8](#)
[Tyler Munis UTB Quote](#)
[First Amendment to Tyler Technologies Agreement - executed](#)
[Amendment No. 2 to RFP No. 2016-069L Agreement for ERP Solutions - Tyler Technologies, Inc.](#)
[Fully Executed Amendment #3 to Tyler Tech. ERP Agreement RFP NO. 2016-069L](#)
[Amendment No. 4 - Enterprise Resource Planning Solutions Tyler Technologies, Inc.](#)
[Amendment No. 5](#)
[Fully executed Amendment 6](#)
[Fully Excuted Amendment No. 7 \(RFP No. 2016-069L\) - Tyler Technologies Inc.](#)
[Amendment No. 8 2016-069L Tyler Technologies Munis Tyler Executed Agreement](#)

This Request was approved.

6.F. RESOLUTION NO. 186-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ISSUANCE OF A PURCHASE ORDER TO CJ CONTRACTING, LLC., FOR HOME REHABILITATION SERVICES FOR THE CITY OF DELRAY BEACH, PURSUANT TO QUICK QUOTE NO. 2024-021; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Neighborhood & Community Services

- Attachments:** [Agenda Cover Report](#)
[Legal Review Res 186-24 - Quick Quote 2024-021 - CJ Contracting LLC - Curb Appeal Williams](#)
[Res 186-24 - Quick Quote 2024-021- CJ Contracting LLC - Curb Appeal Williams](#)
[Q 2024-021- Department Concurrence Packet](#)

This Resolution was approved.

6.G. APPROVE REVOCABLE LICENSE AGREEMENT WITH MAE VOLEN CENTER FOR USE OF THE AUDITORIUM AND FACILITIES AT POMPEY PARK RECREATION CENTER FOR HURRICANE MEAL DISTRIBUTION

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review RLA Mae Volen Senior Center for Hurricane Meal Distribution - Single Event.pdf](#)
[RLA Mae Volen - Hurricane Meals 2024.docx](#)

This Request was approved.

6.H. INTERAGENCY AGREEMENT BETWEEN PALM BEACH COUNTY STATE ATTORNEY'S OFFICE AND THE CITY OF DELRAY BEACH, FL FOR CRIMINAL JUSTICE INFORMATION EXCHANGE AND USE

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Interagency Agreement Between PBC State Attorney's Office](#)
[Delray - Interagency Agreement 2024_lw rev_clean_partially executed](#)

This Request was approved.

6.I. APPROVAL OF HOLD HARMLESS AGREEMENT FOR THE SALE OF ONE CANINE

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist K9 HHA Robin Bolanos](#)
[2024 K-9 Bolanos-hold harmless_partially executed](#)

This Request was approved.

6.J. APPROVAL OF RESOLUTION NO. 180-24 FOR THE ISSUANCE OF A PURCHASE ORDER TO ALAN JAY FORD LINCOLN MERCURY, INC., UTILIZING SOURCEWELL CONTRACT NO. #091521-NAF FOR THE PURCHASE OF A NEW VEHICLE IN THE AMOUNT OF \$39,124

Sponsors: Public Works Department, Neighborhood & Community Services and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Reso No. 180-24 Purchase Order](#)
[Exhibit A - Quote](#)
[Resolution 180-24 LR](#)
[Sourcewell 091521-NAF Contract](#)
[Sourcewell RFP 091521 and Addendums](#)

This Resolution was approved.

6.K. APPROVAL FOR ADDITIONAL SPENDING ON AGREEMENT PS 2022-001 WITH THE COLOR NINE GROUP, LLC. FOR FEDERAL

LEGISLATIVE LOBBYING SERVICES IN THE AMOUNT OF \$550,000 FOR A REVISED CONTRACT TOTAL OF \$809,200

Sponsors: Public Works Department and City Manager Department

Attachments: [Agenda Cover Report](#)
[Additional Spending Request #1 - PS2022-001 The Color Nine Group](#)
[Agreement PS2022-001 Color Nine Group](#)
[Reso No. 158-21 - The Color Nine Group](#)

This Request was approved.

6.L. PROPOSED SETTLEMENT IN THE CASE OF JOSEPH STERNSCHEIN VS. CITY OF DELRAY BEACH, JCD SPORTS GROUP, INC. AND BJCE, INC.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

This Request was approved.

6.M. PROCLAMATIONS:

6.M.1. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2024

Sponsors: City Clerk Department

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

Mayor Carney requested to pull this item in order to allow him to read it into the record. It became Item No. 4.C.

The Daughters of the American Revolution (DAR), Henry Morrison Flagler Chapter, were present to accept the proclamation.

This Proclamation was approved.

6.M.2. NATIONAL WALK, BIKE OR ROLL YOUR CHILD TO SCHOOL DAY PROCLAMATION - OCTOBER 9, 2024

Sponsors: Development Services Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Walk, Bike and Roll to School Day 2024](#)

This Proclamation was approved.

6.M.3. ENERGY EFFICIENCY DAY PROCLAMATION

Sponsors: City Manager Department

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

This Proclamation was approved.

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

6.N.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM AUGUST 12, 2024 THROUGH SEPTEMBER 6, 2024.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPRAB \(8-28\) 101 SE 2nd Avenue](#)
[HPB \(9-4\) 228 NE 5th Street](#)
[HPB \(9-4\) -824 E. Atlantic Ave](#)
[HPB \(9-4\)-142 S Ocean Boulevard](#)
[HPB \(9-4\)-Sundy Village Master Sign Program](#)

This Request was approved.

6.O. AWARD OF BIDS AND CONTRACTS:

6.O.1. None

7. REGULAR AGENDA:

7.A. AWARD TWO-YEAR RENEWAL AGREEMENT TO ENROLL GROUP MEDICAL INSURANCE CONTRACT FROM CIGNA HEALTH AND LIFE INSURANCE COMPANY WITH AN ESTIMATED ADMINISTRATION COST \$658,190, ESTIMATED STOP LOSS INSURANCE COST \$2,795,816, AND ESTIMATED CLAIMS COST \$31,872,575 FOR APPROX TOTAL \$35,326,581.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval ASO Cigna 2024.](#)
[10.1.2024 City of Delray Beach ASO Amendment 9.16.2024.](#)
[Affidavit regarding USE of COERCION LABOR AND SERVICES Delray Beach signed](#)
[City of Delray Beach SL Amd_ 100124 Renewal Period issue date 9.16.24 CSL.](#)

There was no presentation. Mr. Moore stated the City would be entering into a 2-year renewal for its health care coverage, and afterward, they would evaluate all other options for health care coverage.

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Request be approved.

all were in favor

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

7.B. APPROVE RESOLUTION NO. 190-24 TO ENROLL GROUP DENTAL INSURANCE CONTRACT FROM SOLSTICE BENEFITS, INC. WITH AN ESTIMATED \$93,000 ANNUALLY WITH 3% RATE CAP FOR YEAR THREE (3) AND FOUR (4) APPROX TOTAL \$465,000.00.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Res No. 190-24](#)

[14058 City of Delray Beach - FL Group Dental Contract rev. kwb](#)

[8.28.24 clean copy](#)

[14058 City of Delray Beach - FL Group Dental Contract -- B Plans](#)

[Clean Copy](#)

[Affidavit 287.138](#)

[Affidavit regarding USE of COERCION LABOR AND SERVICES](#)

[Delray \(002\)](#)

[Solstice Legal review 2024-2025](#)

Lynn Gelin entered Resolution No. 190-24 into the record. There was no presentation.

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

all were in favor

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

7.C. APPROVE RESOLUTION NO. 185-24 TO PURCHASE PROPERTY INSURANCE POLICY FROM PREFERRED GOVERNMENTAL INSURANCE TRUST (PGIT)

Sponsors: Human Resources Department

- Attachments:** [Agenda Cover Report](#)
[Insurance Premium Summary](#)
[Insurance Market Summary](#)
[Insurance Quote Comparison](#)
[Resolution for PGIT Agmt 24 25](#)
[Simple Legal Review Approval PGIT](#)

Ms. Gelin entered Resolution No. 185-24 into the record. She informed the Commission that other municipalities had recommended Preferred Governmental Insurance Trust, whose quote was substantially lower than the City’s current provider.

A representative from Preferred Governmental Insurance Trust was present to answer any questions. There were none.

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

all were in favor

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

7.D. RESOLUTION NO. 184-24 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 184-24 Budget Amendment FY 2023-24 9.16.24](#)
[Exhibit A - Resolution 184-24 Budget Amendment 9.16.24 -Final](#)
[Legal Review Res 184-24 Budget Amd to FY 23-24](#)

Ms. Gelin entered Resolution No. 184-24 into the record.

Hugh Dunkley, Chief Financial Officer, provided a detailed summary of the budgetary changes recommended by the staff.

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

all were in favor

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

7.E. RESOLUTION NO. 145-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO UTILIZE THE MIAMI MODERN ARCHITECTURAL STYLE

FOR THE PROPERTY LOCATED AT 314 NE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 145-24: 314 NE 3rd Avenue Architectural Style](#)

[314 NE 3rd Avenue: Staff Report](#)

[314 NE 3rd Avenue: Architectural Style Narrative](#)

[314 NE 3rd Avenue: Site Plans and Architectural Elevations](#)

[Legal Review Resolution No. 145-24 Architectural Style, 314 NE 3rd Avenue](#)

Ms. Gelin entered Resolution No. 145-24 and Resolution No. 144-24 into the record. (Item No. 7.E and Item No. 7.F)

Mayor Carney read the quasi-judicial rules into the record. He asked his colleagues to disclose any ex-parte communications:

Mayor Carney: Spoke with Jeff Costello.

Vice Mayor Casale: Spoke with Jeff Costello.

Deputy Vice Mayor Long: Spoke with Jeff Costello.

Commissioner Markert: Spoke with Jeff Costello.

Commissioner Burns: Spoke with Jeff Costello.

Anyone who wished to speak on any quasi-judicial item was sworn in by the Deputy City Clerk.

Anthea Gianniotis entered File No. 2024-81 into the record.

Jeff Costello with JC Planning Solutions and Benjamin Schreier with Affiniti Architecture were present to request the City to allow Miami Modernism (MiMo) architectural style and approve a waiver request for a front set back of six (6) feet for the proposed project located at 314 NE 3 Avenue.

Mr. Schreier presented examples of the MiMo design that highlighted the materials to be used.

Mr. Costello provided a presentation for the front setback waiver request.

Ms. Gianniotis provided a staff report on both items.

She stated that on July 10, 2024, the Downtown Development Authority reviewed the whole project and recommended approval 6-0. She also mentioned that on August 12, 2024, the Planning and Zoning Board recommended approval 6-0, noting that this style was fitting for that area.

Mayor Carney opened the floor to public comment on these items.

George Long, 46 N. Swinton Avenue, Delray Beach

Stated he favored the design of this building and would like to see more like this.

Laura Simon, Executive Director of the Delray Beach Downtown Development Authority

Acknowledged this street was very welcoming since it is in the Pineapple Grove Art District, and looked forward to seeing more designs like this in the area.

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

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

The Commission engaged in a discussion and unanimously agreed that this style was well-suited for the neighborhood.

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.F.

RESOLUTION NO. 144-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)1. OF THE LAND DEVELOPMENT REGULATIONS APPROVING A FRONT SETBACK OF 6 FEET, FOR THE PROJECT LOCATED AT 314 NE 3RD AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 144-24 Setback Waiver](#)

[314 NE 3rd Avenue: Staff Report - CBD Waiver](#)

[314 NE 3rd Avenue: Project Narrative and Justification Statement](#)

[314 NE 3rd Avenue: Site Plan and Architectural Elevation](#)

[314 NE 3rd Avenue: Civil Plans](#)

[314 NE 3rd Avenue: Landscape Plans](#)

[314 NE 3rd Avenue: DDA Recommendation](#)

[Legal Review Res 144-24 Setback Waiver, 314 NE 3rd Avenue](#)

This item was presented with Resolution No. 145-24.

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.G.

RESOLUTION NO. 183-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL OF SECTION 7.9.5(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A DOCK TO EXTEND MORE THAN FIVE FEET FROM THE FACE OF THE SEAWALL INTO "TRACT B" OF THE "ESTATES DE MANGO DE PARIS" PLAT AND AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL OF SECTION 7.9.6(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A DOCK EXCEEDING 50 FEET IN LENGTH WITHOUT THE REQUIRED SEWAGE PUMPOUT FOR THE PROPERTIES WITHIN THE GRACE'S MANOR SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 183-24 Modification of Dock Standards](#)
[Grace's Manor Justification Statement](#)
[Grace's Manor Survey](#)
[Grace's Manor Photos](#)
[Grace's Manor Dock Plan](#)
[Grace's Manor Plans](#)
[ESTATES MANGO DE PARIS PLAT](#)
[GRACE'S MANOR REPLAT](#)
[Graces Manor HOA](#)
[Legal Review](#)

Ms. Gelin entered Resolution No. 183-24 into the record.

Anyone who wished to speak on this item was sworn in by the Deputy City Clerk.

Mayor Carney read the quasi-judicial rules into the record and asked his colleagues to disclose any ex-parte communications:

Mayor Carney: Spoke with Jeff Costello and the builder.

Vice Mayor Casale: Spoke with Jeff Costello and what was on the server.

Deputy Vice Mayor Long: Spoke with Jeff Costello.

Commissioner Markert: Spoke with Jeff Costello.

Commissioner Burns: Spoke with Jeff Costello and the builder.

Anthea Gianniotos entered File Nos. 2024-010 and File No. 2024-1176 into the record.

Jeff Costello with JC Planning Solutions was present on behalf of the builder, who was requesting to construct a new dock addition to extend ninety-eight (98) feet, which is ninety-three (93) feet more than the five (5) feet allowed.

Ms. Gianniotos provided a staff report for this item.

Mayor Carney opened the floor to public comment on this item.

George Long, 46 North Swinton Avenue, Delray Beach
Stated he favored approving this request.

Dorothy Hoyt, 616 NW 13 Street, Delray Beach
Stated the proposed increase in dock size would impede her view of the lake.

John Cahorshak, 616 NW 13 Street, Delray Beach
Stated he disagreed with the need for such a large dock.

Alex Renta, 1308 Lake Drive, Delray Beach
Expressed his concern about the exemption for needing a sewerage pump-out for this item.

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

Jeff Costello provided a rebuttal for this item. He discussed the engineering findings regarding the dock size and stated the builder would be amenable to reducing the dock size by fifteen(15) feet if it was the will of the Commission.

Ms. Gianniotos stated that because the vessels docking there lacked onboard facilities, the staff had no concerns about the absence of a pump-out.

The Commission engaged in a discussion regarding shortening the length of the dock size.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns that Resolution No. 183-24 be approved with the

condition that the dock size be shortened to eighty-three (83) feet and that Exhibit B would be a survey as per Ms. Gianniotis.

The motion carried by the following vote:

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

No: 1 - Vice Mayor Casale

approved with revisions

7.H.

RESOLUTION NO. 191-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE DEVELOPMENT SERVICES FEE SCHEDULE TO ADD NEW FEES FOR THE BUILDING MILESTONE RECERTIFICATION PROCESS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.2(F) "FEES," ADOPTING NEW PERMIT FEES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 191-24: Milestone Inspection Fees](#)

[Resolution No. 191-24: Recertification Properties Map](#)

[Resolution No. 191-24: Senate Bill 154, Recertification of Bldgs](#)

[Resolution No. 191-24: Legal Review](#)

Ms. Gelin entered Resolution No. 191-24 into the record.

Ms. Gianniotis stated this resolution was intended to update the Development Services fee schedule for the Building Milestone Recertification process pursuant to State regulations.

This Resolution was approved.

all were in favor

7.I.

RESOLUTION NO. 193-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS WITH RESPECT TO IN LIEU OF PARKING REQUESTS; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR IN LIEU OF PARKING REQUESTS DURING THE PENDENCY OF THE CITY'S

CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 193-24](#)
[Res. No. 102-23](#)
[Res. No. 196-23](#)
[Res. No. 82-24](#)

Ms. Gelin entered Resolution No. 193-24 into the record.

There was no presentation or discussion.

This Resolution was approved.

all were in favor

7.J.

NOMINATIONS FOR APPOINTMENTS TO THE GENERAL EMPLOYEES' RETIREMENT PLAN. BASED ON THE ROTATION SYSTEM, APPOINTMENTS TO SERVE INITIAL TERMS ENDING SEPTEMBER 30, 2027, WILL BE MADE BY COMMISSIONER BURNS (SEAT #4) AND MAYOR CARNEY (SEAT #5). BASED ON THE ROTATION SYSTEM, APPOINTMENTS TO SERVE TERMS ENDING SEPTEMBER 30, 2028, WILL BE MADE BY COMMISSIONER MARKERT (SEAT #1) AND DEPUTY VICE-MAYOR LONG (SEAT #2).

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[General Employees Retirement Committee Current Members](#)
[Exhibit A](#)
[Dickson, Henry](#)
[Dorrow, Martin](#)
[Ellingsworth, William](#)
[Fannon, Luke](#)
[Frankel, Adam](#)
[MacManus, Thomas](#)

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, to appoint Adam Frankel.

all were in favor

A motion was made by Mayor Carney, seconded by Vice Mayor Casale, to

appoint William Ellingworth.

all were in favor

A motion was made by Commissioner Markert, seconded by Vice Mayor Casale, to appoint Martin Dorow.

all were in favor

Deputy Vice Mayor Long deferred his appointment until the next Commission Meeting.

7.K.

NOMINATION FOR AN APPOINTMENT TO THE HISTORIC PRESERVATION BOARD. BASED ON THE ROTATION SYSTEM, AN APPOINTMENT FOR ONE (1) QUALIFIED MEMBER TO SERVE A TERM ENDING AUGUST 31, 2026, WILL BE MADE BY DEPUTY VICE-MAYOR LONG (SEAT #2).

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[HPB Exhibit A](#)

[HPB Attendance](#)

[Historic Preservation Board Member List](#)

[Amani, Sandra](#)

[Baffer, Benjamin](#)

[Brown, Sarah](#)

[Cohen, Steven](#)

[Dumitrescu, Vlad](#)

[Fredericks, Carol](#)

[Godbout, Christina](#)

[Lembovski, Katherine](#)

[Mamone, Bettina](#)

[Schiff, Michael](#)

[Talbot, Rettig](#)

[Willis, Claudia](#)

Vlad Dumitrescu was appointed.

This Appointment was approved.

7.L.

APPROVAL OF PARKING LICENSE AGREEMENTS FOR VALET PARKING SERVICES FOR TWO (2) YEARS IN THE CENTRAL BUSINESS DISTRICT

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Caffe Luna Rosa Parking License Agreement - Valet Que - Atlantic between Salina Ave and Ocean Blvd FINAL](#)
[Legal Review Checklist Parking License Agreement Caffe Luna Rosa, Inc. 2024](#)
[Cut 432 LLC Parking License Agreement - Valet Que - SE 4th Ave FINAL](#)
[Legal Review Checklist Parking License Agreement Cut 432 LLC 2024](#)
[Delray Taco LTD Parking License Agreement - Valet Que - Atlantic Ave between SE 1st and SE 2nd FINAL](#)
[Legal Review Checklist Parking License Agreement Delray Taco LTD 2024](#)
[Osteria Numero Uno - Elisabetta's Parking License Agreement - Valet Que - Atlantic between Swinton and SE 1st Ave FINAL](#)
[Legal Review Checklist Parking License Agreement Osteria Numero Uno dba Elisabetta's 2024](#)
[Rosebud 3rd Ave LLC dba Delray Beach Market - Parking License Agreement - Valet Que - SE 1st Street and SE 3rd Avenue FINAL](#)
[Legal Review Checklist Parking License Agreement Rosebud 3rd Ave dba Delray Beach Market 2024](#)

Mayor Carney stated he favored extending the valet contract for another year to allow time to assess the market price for valet parking.

Missie Barletto, Director of Public Works, gave a brief presentation on the updated fee schedule that the license holders were requesting from the City for valet parking services in the Central Business District for an additional 2-year contract.

The Commission engaged in a discussion about the monetary increase to valet park your vehicle.

A motion was made by Vice Mayor Casale to approve \$20 dollars for the first four (4) hours of parking.

There was no second motion. A discussion ensued about the extended rate for parking past four hours.

A motion was made by Vice Mayor Casale to amend her previous motion.

She made an amended motion to approve \$15 dollars for the first four (4) hours of parking and \$10 dollars for each additional hour for a 1-year consideration and to permit the City Manager to execute the document. It was seconded by Commissioner Burns.

all were in favor

approved with revisions

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. RESOLUTION NO. 173-24: GENERAL FUND OPERATING AND DEBT SERVICE FINAL MILLAGE RATES

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 173-24 FY 2025 City Millage Rate -Final Budget Hearing](#)

[9.16.2024-Rev. kwb 9.9.24](#)

[City DR420 2024 652](#)

[City-Debt DR420Debt 2024 651](#)

[Simple Legal Review Approval Final Budget Resolution 173-24](#)

Ms. Gelin entered Resolution No. 173-24 into the record.

Mr. Moore stated that although a comprehensive presentation had been given previously, he provided a brief overview of this item.

Mayor Carney opened the floor to anyone who wished to speak on Item No 8.A.

Seeing no one present, Mayor Carney closed public comments.

The Commission engaged in a discussion regarding the lower millage rate.

Deputy Vice Mayor Long expressed his concern that the lower millage rate may have a negative impact on the city's operating budget.

Commissioner Burns favored having consistency with the millage rate.

Mayor Carney acknowledged that the lower millage rate was equitable to the taxpayers, demonstrating truth and appropriateness.

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: 3 - Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

No: 2 - Deputy Vice Mayor Long, and Commissioner Burns

8.B. RESOLUTION NO. 174-24: DOWNTOWN DEVELOPMENT AUTHORITY FINAL MILLAGE RATE

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 174.24 DDA Proposed Millage FY 2025-9.16.2024 Revised](#)
[DBDDA 2024_25 Draft Budget for CC Budget Hearing 9.03.24](#)
[DDA DR420_2024_1412](#)
[DDA FY24-25 Millage and Budget Memo for CC 9.03.24](#)
[FY24-25 PROPOSED BUDGET FOR HEARING 9.3.24](#)
[Simple Legal Review Approval Final Budget Resolution 174-24 DDA](#)

Mr. Moore provided a brief review of this item.

Ms. Gelin entered Resolution No. 174-24 into the record.

Laura Simon stated the Downtown Development Authority had already approved the millage rate.

The Commission agreed that another presentation was not necessary.

Mayor Carney opened the floor to anyone who wished to speak on Item No 8.B.

Seeing no one present, Mayor Carney closed public comments.

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, 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.

8.C. RESOLUTION NO. 175-24: ADOPTION OF THE FISCAL YEAR FINAL BUDGET BEGINNING OCTOBER 1, 2024

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 175-24 FY 2025 City Budget - Final Budget Hearing 9.16.2024- Rev.kwb 9.9.24](#)
[FY 2024-25 Budget Worksheet - Tentative Budget-Revised](#)
[DDA FY24-25 Millage and Budget Memo for CC 9.03.24](#)
[FY2024-25 Exhibit A Final Budget Hearing 9.16.2024- Revised](#)
[Simple Legal Review Approval Final Budget Resolution 175-24 final budget](#)

Ms. Gelin entered Resolution No. 175-24 into the record.

Mr. Moore and Mr. Dunkley provided a brief review of this item.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Seeing no one present, Mayor Carney closed public comments.

Vice Mayor Casale expressed her apprehension regarding the Reserve Fund Balance below the 25% threshold, a matter she had consistently emphasized in previous meetings.

A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long for discussion.

Deputy Vice Mayor Long inquired if the City would be compliant with the Comprehensive Plan if the Reserve Fund fell below 25%.

Mr. Dunkley stated that the Commission did not have a formal Fund Balance Policy. He recommended that in the future, the Commission discuss and adopt a range in a separate workshop.

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

8.D.

ITEM (A) - APPROVAL OF RESOLUTION NO. 181-24 FOR A WARRANTY DEED FROM THE CITY OF DELRAY BEACH (GRANTOR) TO PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS (GRANTEE) FOR FIRE STATION 113.

ITEM (B) - APPROVAL OF RESOLUTION NO. 182-84 FOR A SIGNAL EASEMENT FROM THE CITY OF DELRAY BEACH (GRANTOR) TO PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS (GRANTEE) FOR FIRE STATION 113.

Sponsors: Public Works Department

- Attachments:** [Agenda Cover Report](#)
[Proof of Advertisement - Warranty Deed](#)
[Res 181-24 Approving Warranty Deed for ROW to Palm Beach County](#)
[\(RW65760\)\(MRT 2024-009\) Warranty Deed CORRECT](#)
[Legal Review Warranty Deed - ROW Easement - Palm Beach County - 651 W Linton Blvd - FS 113](#)
[Seller's Affidavit - Warranty Deed - Final](#)
[Proof of Advertisement - Traffic Signal Easement](#)
[Res 182-24 Approving Signal Easement to Palm Beach County](#)
[\(RW65760\)\(MRT 2024-009\) Traffic Easement CORRECT](#)
[Legal Review Signal Easement - Palm Beach County - 651 W Linton Blvd - FS 113](#)
[Seller's Affidavit - Signal Easement - Final](#)

Ms. Gelin entered Resolutions Nos. 181- 24 and 182-24 into the record.

Mayor Carney opened the floor to public comments.

Seeing no one present, Mayor Carney closed public comments.

A motion was made by Vice Mayor Casale, seconded by Commissioner Burns, to approve Resolution No. 181-24.

all were in favor

approved

A motion was made by Vice Mayor Casale, seconded by Commissioner Burns, to approve Resolution No. 182-24.

all were in favor

approved

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Stated since the General Fund Expenditure Budget has gone down, it wasn't necessary to revise the Comprehensive Plan Reference at this time.

Met with Laura Simon, Executive Director of the Downtown Development Authority, to discuss their interest in collaborating with the City on the re-branding of Old School Square. A tentative Workshop Meeting was mentioned for October 28, 2024 @ 4:00 p.m.

B. City Attorney

None.

C. City Commission

Deputy Vice Mayor Long:

Asked for a presentation on the Class and Compensation Study to determine if Administrators were being underpaid, as mentioned in Public Comments.

Ms. Gelin pointed out that since the budget had already been approved, it would be too late to make the salary adjustments for the affected employees.

Mr. Moore stated that he had already begun meeting with department heads to discuss the study's findings and would provide an update to the Commission once he was finished.

Commissioner Markert:

None

Commissioner Burns:

Would like to see the general employee's salaries increase to at least a mid-range level.

Requested a status update on the Federal Grants received by the City. Mr. Moore stated there would be a presentation at the November 4, 2024 Commission Meeting.

Received a letter from Pastor Michael McClure with West Park Baptist Church commending Captain Durante with Fire Station 5 for assisting them with their annual egg drop science experiment.

Vice Mayor Casale:

Inquired about the Life Health / Health Insurance that had increased by 39%.

Inquired about the Federal Emergency Management Agency (FEMA) grants the City was expected to receive.

Requested an update on the Highland Beach audit.
Ms. Gelin stated she had retained an auditor.

Inquired on the progress of interviewing Chief Financial Officers.

Discussed looking into the Cavin 002 account.

Mentioned the Comprehensive Study conducted in 2022 should have been memorialized in 2022.

Spoke about policy updates being in writing.

Mayor Carney:

Suggested starting the budget process earlier for next year to better understand each department's needs.

Asked about the status of the internal auditor.
Mr. Moore stated The Department of Human Resources would follow up.

Requested to create a Proclamation for Roy Simon.

Mentioned the three (3) beach awards the City was recognized for and suggested a proclamation or some other recognition for groups responsible for cleaning the beach.

Discussed having a first reading for in-lieu parking fees in October.

Mentioned allowing public comments in a Workshop, per the Attorney General's opinion.

City Attorney Gelin mentioned the Commission could regulate the public comments.

Ms. Gelin suggested putting time limits on public comments.

The Commission discussed the additional time that allowing public comment at workshops would entail.

A motion was made by Vice Mayor Casale to deny public comments at workshops. There was no second; the motion failed.

A motion was made by Commissioner Burns to allow public comments at workshops, seconded by Commissioner Markert.

Mayor Carney stated that there would be tight rules created for public

comments during workshops.

The motion carried by the following vote:

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

No: 1 - Vice Mayor Casale

approved to allow public comments at workshops.

Discussed allowing different synagogues in the city to sponsor the Menorah Lighting.

10.C.1. DISCUSSION REGARDING ALLOWING PUBLIC COMMENT DURING WORKSHOPS

- Attachments:** [Agenda Cover Report](#)
[Public Comment During Workshops](#)
[Sunshine Law Workshop Meetings Public Participation](#)

This item was discussed during Mayor Carney's comments.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 10:10 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.


Interim City Clerk

ATTEST:


Mayor

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the September 16, 2024 Final Budget Public Hearing/Regular Meeting held on September 16, 2024, which minutes were formally approved and adopted by the City on October 1, 2024.


Interim City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.