

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Regular Commission Meeting

Regular Meeting at 4:00 PM / 1st Public Budget Hearing at 5:01 PM

Tuesday, September 5, 2023

Commission Chambers

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/st>

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Rob Long

Commissioner Adam Frankel

Commissioner Angela Burns

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL**

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. CITY ADAPTABILITY INDEX SURVEY**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

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

5.A. City Manager's response to prior public comments and inquiries

5.B. From the Public

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

Recommendation: Motion to approve meeting minutes as listed below:

July 18, 2023 Regular Meeting Minutes
August 7, 2023 Special Meeting Minutes (Closed Attorney/Client Session)

August 8, 2023 Workshop Meeting Minutes
August 8, 2023 Regular Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[July 18, 2023 Regular Meeting Minutes - DRAFT](#)

[August 7, 2023 Closed Atty Client Session Meeting Minutes - DRAFT](#)

[August 8, 2023 Workshop Meeting Minutes - DRAFT](#)

[August 8, 2023 Regular Meeting Minutes - DRAFT](#)

- 6.B.** APPROVAL OF A MINOR SUBDIVISION PLAT FOR A TWO-LOT SUBDIVISION KNOWN AS "ANDREWS AVENUE TOWNHOMES," WHICH CONSISTS OF A REPLAT OF PARCEL 1, OF MOORE'S LANDING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CURRENTLY ADDRESSED AS 810 NORTH ANDREWS AVENUE.

Recommendation: Consider the minor subdivision plat for the property located at 810 North Andrews Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Proposed Plat](#)
[Location Map - 810 N Andrews](#)
[Request Letter - 810 Andrews](#)

- 6.C.** PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ROSELAURE SENARD V. DARREN JAY MCMORROW AND CITY OF DELRAY BEACH

Recommendation: Motion to deny settlement proposed by Roselaure Senard for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

- 6.D.** MOTION TO APPROVE AMENDMENT NO. 7 to RFP NO. 2016-069L WITH TYLER TECHNOLOGIES INC. FOR ENTERPRISE RESOURCE PLANNING SOLUTIONS SERVICES IN THE AMOUNT OF \$113,820 PER YEAR FOR THREE YEARS TOTALING \$341,460.00.

Recommendation: Motion to approve Amendment No. 7 to RFP No. 2016-069L for Enterprise Resource Planning Solutions with Tyler Technologies Inc., to include sixty (60) additional licenses for the Enterprise Permitting and Licensing Core Software.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[Legal Review Amd #7 Tyler adding licenses](#)
[Amendment 7](#)
[Amd 6 Tyler - Complete Ex A](#)
[Amendment No 5](#)
[Amendment No 4](#)
[Amendment No 3](#)
[Amendment No 2](#)
[Amendment No 1](#)
[Tyler Executed](#)

- 6.E.** ITEM(S) A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 509 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 234 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 125 SW 13TH AVE.; A RIGHT-OF-WAY DEDICATION BY 904 SE 4TH ST.; A RIGHT-OF-WAY DEDICATION BY 102 BASIN DR.; A RIGHT-OF-WAY DEDICATION BY 303 SE 7th AVE.; A RIGHT-OF-WAY DEDICATION BY 102 NE 13th AVE.; A RIGHT-OF-WAY DEDICATION BY 318 SE 5th ST.; A RIGHT-OF-WAY DEDICATION BY 317 SW 7th AVE.; A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-16-006-0060; AND A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-22-002-0100 AND A RIGHT-OF-WAY DEDICATION BY 324 NW 3rd AVE. AND A RIGHT-OF-WAY DEDICATION BY 805 W ATLANTIC AVE.

ITEM(S) B1- ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT BY 1158 LOWRY ST.

Recommendation:

Consideration of the following items:

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 509 Palm Trail.

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of 234 Palm Trail.

Item A3 - Motion to approve and accept a Right-of-Way Dedication by the owners of 125 SW 13th Ave.

Item A4 - Motion to approve and accept a Right-of-Way Dedication by the owners of 904 SE 4th St.

Item A5 - Motion to approve and accept a Right-of-Way Dedication by the owners of 102 Basin Dr.

Item A6 - Motion to approve and accept a Right-of-Way Dedication by the owners of 303 SE 7th Ave.

Item A7 - Motion to approve and accept a Right-of-Way Dedication by the owners of 102 NE 13th Ave.

Item A8 - Motion to approve and accept a Right-of-Way Dedication by the owners of 318 SE 5th St.

Item A9 - Motion to approve and accept a Right-of-Way Dedication by the owners of 317 SW 7th Ave.

Item A10 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by PCN 12-43-46-17-16-006-0060.

Item A11 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by PCN 12-43-46-17-22-002-0100.

Item A12 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by 324 NW 3rd Ave.

Item A13 - Motion to approve and accept a Right of Way Dedication by the owners of 805 W Atlantic Ave.

Item B1 - Motion to approve and accept a General Utility Easement Agreement by the owners of 1158 Lowry St.

Sponsors:

Public Works Department

Attachments:[Agenda Cover Report](#)[A1a - Right of Way Deed - 509 Palm Trail - Justin and Jennifer Dye](#)[A1b - Sketch and Legal for Right of Way Deed - 509 Palm Trail - Justin and Jen](#)[A1c - Legal Review Right of Way Deed 509 Palm Trail Justin and Jennifer Dye](#)[A2a - Right of Way Deed - 234 Palm Trail - Stephen MacDonald and Nicolette M](#)[A2b - Sketch and Legal for Right of Way Deed - 234 Palm Trail - Stephen MacD](#)[A2c - Legal Review Right of Way Deed 234 Palm Trail - Stephen MacDonald ar](#)[A3a - Right of Way Deed - 125 SW 13th Ave - Strong Island Real Estate Holding](#)[A3b - Sketch and Legal for Right of Way Deed -125 SW 13th Ave - Strong Islar](#)[A3c - Legal Review Right of Way Deed 125 SW 13th Ave Strong Island Real E:](#)[A4a - Right of Way Deed - 904 NE 4th St - William and Annmarie Cimosky](#)[A4b - Sketch and Legal for Right of Way Deed - 904 NE 4th St - William and An](#)[A4c - Legal Review Right of Way Deed 904 NE 4th Street William and Marianne](#)[A5a - Right of Way Deed - 102 Basin Drive - Robert Fishel personally and trustee](#)[A5b - Sketch and Legal for Right of Way Deed - 102 Basin Drive - Robert Fishel](#)[A5c - Legal Review Right of Way Deed 102 Basin Drive - Robert Fishel, person:](#)[A6a - Right of Way Deed - 303 SE 7th Ave -Bianca and Donald Pucci Trust](#)[A6b - Sketch and Legal for Right of Way Deed - 303 SE 7th Ave - Bianca and D](#)[A6c - Legal Review Right of Way Deed 303 SE 7th Avenue Bianca and Donald](#)[A7a - Righ of Way Deed - 102 NW 13th Ave - Delray Beach Land Trust](#)[A7b - Sketch and Legal for Right of Way Deed - 102 NW 13th Ave -Delray Beac](#)[A7c - Sketch and Legal for Right of Way Deed - 102 NW 13th Ave -Delray Beac](#)[A7d - Legal Review Right of Way Deed 102 NW 13th Avenue DBCLT](#)[A8a - Right of Way Deed - 318 SE 5th St - PJB Real Estate LLC](#)[A8b -Sketch and Legal for Right of Way Deed - 318 SE 5th St PJB Real Estate](#)[A8c - Legal Review Right of Way Deed 318 SE 5th Street PJB Real Estate LLC](#)[A9a - Right of Way Deed - 317 SW 7th Ave - Jessica Stragn](#)[A9b - Sketch and Legal for Right of Way Deed - 317 SW 7th Ave - Jessica Strag](#)[A9c - Legal Review Right of Way Deed 317 SW 7th Avenue Jessica Straghn](#)[A10a -Review Right of Way Deed PCN 12-43-46-17-16-006-0060](#)[A10b - Sketch and Legal for Right of Way Deed PCN 12-43-46-17-16-006-0060](#)[A10c - Legal Review Right of Way Deed PCN 12-43-46-17-16-006-0060](#)[A11a - Right of Way Deed - PCN 12-43-46-17-22-002-0100](#)[A11b - Sketch and Legal for Right of Way Deed - PCN 12-43-46-17-22-002-010](#)[A11c - Legal Review Right of Way Deed PCN 12-43-46-17-22-002-0100](#)[A12a - Right of Way Deed - 324 NW 3rd Ave. - Mercedes and Manual Ramirez](#)[A12b - Sketch and Legal for Right of Way Deed - 324 NW 3rd Ave. - Mercedes](#)[A12c - Legal Review Right of Way Deed 324 NW 3rd Ave - Manuel and Merced](#)

[A13a - Right of Way Deed - 805 W Atl Ave - CRA](#)

[A13b - Sketch and Legal for Right of Way Deed 805 W Atl Ave - CRA](#)

[A13c - Legal Review Right of Way Deed 805 W Atl Ave - CRA](#)

[B1a - Utility Easement - 1158 Lowry St - Sean Thaomas Walsh](#)

[B1b- Sketch and Legal for Utility Easement - 1158 Lowry St - Sean Thaomas Walsh](#)

[B1c - Legal Review General Utility Easement 1158 Lowry Street Sean Thomas Walsh](#)

6.F. APPROVAL OF AMENDMENT NO. 1 TO ITB 2022-054 WITH MANSFIELD OIL COMPANY OF GAINESVILLE, INC. FOR ADDITIONAL UNLEADED GASOLINE AND DIESEL FUEL IN THE AMOUNT OF \$446,500 FOR A REVISED CONTRACT VALUE OF \$6,300,200

Recommendation: Motion to approve Amendment No. 1 to ITB 2022-054 with Mansfield Oil Company of Gainesville, Inc. for additional unleaded gasoline and diesel fuel in the amount of \$446,500, for a revised contract value of \$6,300,200.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Amendment No. 1 to ITB 2022-054](#)
[2022-054 Amendment No.1 Unleaded Gas and Diesel](#)
[2022-054 Exhibit A - Pricing Schedule.doc](#)
[Exhibit B - Fee Schedule](#)
[Exhibit C-Revised Gas Tank Locations](#)
[ITB 2022-054 Mansfield Oil Co. of Gainesville Inc](#)
[Executed Resolution 169-22](#)
[Vendor Signed 2022-054 Amendment No. 1 Unleaded Gas and Diesel](#)

- 6.G.** APPROVAL OF AMENDMENT NO. 1 TO RFQ NO. 2021-005 WITH CHA CONSULTING INC., FORMALLY KNOWN AS A&P CONSULTING TRANSPORTATION ENGINEERS CORP. FOR ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE RECLAIMED WATER MAIN AREA 10 PROJECT IN THE AMOUNT OF \$18,464, FOR A REVISED CONTRACT VALUE OF \$201,814.

Recommendation: Motion to Approve Amendment No. 1 to RFQ 2021-005 with CHA Consulting Inc., formally known as A&P Consulting Transportation Engineers Corp. for additional Construction Engineering and Inspection (CEI) Services for the Reclaimed Water Main Area 10 Project (Project No. 17-133) in the amount of \$18,464, for a revised contract value of \$201,814.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist A & P Consulting Amendment](#)
[Amendment No. 1 to 2021-005 Reclaimed Watermain Area 10](#)
[Proposal for Amendment No. 1 to RFQ 2021-004](#)
[Contract Increase to RFQ 2021-005](#)
[Agreement - A&P Consulting Transportation Engineers Corp. Serv 052722](#)

- 6.H.** APPROVAL TO INCREASE THE VALUE OF SOLE SOURCE NO. SS2023-009 WITH LOU BACHRODT FREIGHTLINER FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS AND RELATED SERVICE FOR FREIGHTLINER VEHICLES BY \$20,000, FOR A FY23 TOTAL OF \$80,000.

Recommendation: Motion to approve an increase to the value of Sole Source No. SS2023-009 with Lou Bachrodt, Freightliner., for Original Equipment Manufacturer parts and related service for Freightliner vehicles by \$20,000, for a FY23 total of \$80,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Sole Source Memo - Lou Bachrodt 4.3.2023](#)

- 6.I.** APPROVAL TO INCREASE THE CONTRACT VALUE OF P2021- 012 WITH MILLENNIUM PRODUCTS, INC. FOR PURCHASES OF LICENSE PLATE RECOGNITION CAMERAS, CCTV CAMERAS, ACCESSORIES, AND RELATED SERVICES IN THE AMOUNT OF \$126,557.91, FOR A REVISED CONTRACT TOTAL OF \$401,557.91

Recommendation: Motion to approve an increase to P2021-012 with Millenium Products, Inc., for purchases of license plate recognition cameras, cctv cameras, accessories, and related services, in the amount of \$126,557.91, for a revised contract total of \$401,557.91.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_millenium LPR](#)
[Executed Agreement - Millennium Products Inc.](#)
[GSA GS-07F-0031W Millenium Products Inc 2023](#)
[Q-08785 Delray Beach Police Department \(FL\) - Fixed LPR](#)
[MSI Vigilant Online Terms Acknowledgement v2 \(1\) \(3\)](#)
[Offer Addenda – LinC _ Non-MSI Camera LPR Hosting \(3\)](#)
[Legal Review Form Millenium 2023](#)

- 6.J.** ACCEPTANCE OF THE CITY ADAPTABILITY INDEX SURVEY

Recommendation: Motion to Accept the Survey

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

6.K. PROCLAMATIONS:

- 6.K.1.** HISPANIC HERITAGE MONTH PROCLAMATION

Recommendation: Motion to declare September 15, 2023 - October 15, 2023 as Hispanic Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Hispanic Heritage Month Proclamation 2023](#)

- 6.K.2.** PROCLAMATION TO PROCLAIM SEPTEMBER 16, 2023 AS NATIONAL CLEAN UP DAY.

Recommendation: MOTION TO PROCLAIM SATURDAY, SEPTEMBER 16, 2023 AS NATIONAL CLEAN UP DAY.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[National Cleanup Day Proclamation](#)

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

6.L.1. None

6.M. AWARD OF BIDS AND CONTRACTS:**6.M.1. APPROVAL OF RESOLUTION NO. 132-23 TO AWARD AN AGREEMENT WITH SELECTRON TECHNOLOGIES INC. FOR THE PROCUREMENT OF PERMIT AND UTILITIES MANAGED SERVICES IN THE SELECTRON CLOUD ENVIRONMENT FOR BILLING AND INSPECTIONS**

Recommendation: Motion to approve Resolution No. 132-23 to award an agreement with Selectron Technologies Inc. (Selectron) for the procurement of Permit and Utilities Managed Services in the Selectron Cloud Environment for billing and inspections.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res 132-23](#)
[Legal Review Checklist Selectron](#)
[Vendor Signed](#)
[City Standard Approval](#)

6.M.2. APPROVAL OF RESOLUTION NO. 160-23 TO AWARD AN AGREEMENT WITH UNIVERSAL BEACH SERVICE CORP., FOR BEACH CLEANING, MAINTENANCE, AND BEAUTIFICATION SERVICES - \$408,600 FOR THE INITIAL THREE-YEAR TERM

Recommendation: Motion to approve Resolution No. 160-23 to award an Agreement with Universal Beach Service Corp. for Beach Cleaning, Maintenance, and Beautification Services for the Municipal Beach and Atlantic Dunes Park in the estimated projected amount of \$408,600 (\$136,200 per year) through September 4, 2026 and authorizing the City Manager to approve renewal options, in the amount below, contingent upon appropriation of funds.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist](#)
[Resolution No. 160-23](#)
[Request For Proposal \(RFP\) 2023-030](#)
[Universal Beach Services Corp. Submittal](#)
[Vendor Signed Agreement](#)

6.M.3. APPROVAL OF RESOLUTION NO. 152-23 TO AWARD AN AGREEMENT WITH CRAIG A. SMITH & ASSOCIATES, INC., FOR UNDERGROUND UTILITY LOCATION SERVICES, UTILIZING THE TOWN OF PEMBROKE PARK SOLICITATION NO. ITB 22-04, IN A TOTAL AMOUNT NOT TO EXCEED \$900,000.

Recommendation: Motion to approve Resolution No. 152-23 to award an agreement with Craig A. Smith & Associates, Inc., for Underground Utility Location services utilizing the Town of Pembroke Park Solicitation No. ITB 22-04, in an amount not to exceed \$900,000 and authorize City Manager to approve renewal options in the amount listed below, contingent upon the appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Craig A. Smith.pdf](#)
[Resolution No. 152-23 Craig A. Smith LLC](#)
[P2023-048 Craig A Smith Agreement.pdf](#)
[Pricing Sheet.pdf](#)
[Utility locates agreement.pdf](#)

6.M.4. APPROVAL OF RESOLUTION NO. 183-23 AND TO RETROACTIVELY APPROVE AN AGREEMENT WITH ALLIED UNIVERSAL CORP., FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE; UTILIZING THE CITY OF FORT LAUDERDALE COOPERATIVE SOLICITATION ITB EVENT NO. 139, IN A TOTAL AMOUNT NOT EXCEED \$1,120,000.

Recommendation: Motion to approve Resolution No. 183-23 and to retroactively approve an Agreement with Allied Universal Corp., for the purchase and delivery of sodium hypochlorite in the estimated total amount of \$1,120,000 (\$560,000 respectively per year) through August 31, 2025, utilizing the City of Ft. Lauderdale, Cooperative Bid ITB Event No. 139, and authorize the City Manager to approve renewal options, in the amount below, contingent on appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Contract Award Event 139_Sodium Hypochlorite \(Co-Op\).pdf](#)
[Exhibit 2 - Bid Tabulation.pdf](#)
[Legal Review Checklist Allied Universal.pdf](#)
[P2023-058 Allied Universal Corp Agreement.pdf](#)
[Resolution Allied Universal.pdf](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 180-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE RECOMMENDATION OF DENIAL OF THE PLANNING AND ZONING BOARD, SERVING AS THE LOCAL PLANNING AGENCY FOR THE CITY, OF THE REZONING OF APPROXIMATELY 5.08 ACRES LOCATED AT 4594 133rd ROAD SOUTH FROM AGRICULTURE RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL (R-1-A); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 180-23, overruling the decision of the Planning and Zoning Board for rezoning the property located at 4594 133rd Road South from Palm Beach County Agricultural Residential (AR) to Single Family Residential (R-1-A); providing a conflicts clause and a severability clause; providing an effective date; and for other purposes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution. No.180-23](#)
[Appeal Letter, 4594 133rd Road South](#)
[PZB Staff Report, 4594 133rd Road South](#)
[Applicant Project Narrative, 4594 133rd Road South](#)
[Ordinance No. 23-23](#)
[Map AD-1 Planning Area](#)
[Map AD-23 Annexation Areas](#)
[Map - Proposed Zoning 4594 133rd Road South](#)
[Traffic Study, 4594 133rd Road South](#)
[TPS Review Letter, 4594 133rd Road South](#)
[Proof of Legal Notice](#)
[Legal Review, Resolution No. 180-23](#)

7.B. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Recommendation: Motion to approve the appointment for one (1) regular member to serve an unexpired term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Affordable Housing Advisory Committee](#)
[Quarterly Attendance AHAC](#)
[Cantwell](#)
[Cohn](#)
[Hale](#)
[Land](#)
[Olieberg](#)
[Petillo](#)
[Thompson](#)

7.C. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve the nomination for an appointment for two (2) regular members to serve on the Code Enforcement Board for an unexpired term ending January 14, 2025.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board](#)
[Code Enforcement Attendance](#)
[Bowens](#)
[Canton](#)
[Delehanty](#)
[Kiser](#)
[Land](#)
[Rudowitz](#)

7.D. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Education Board for a two year term ending July 31, 2025 and two (2) regular members to serve an unexpired term ending 7/31/2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board](#)
[Ed Board Quarterly Attendance](#)
[Augustin Badet](#)
[Barthelemy](#)
[Bennett](#)
[Biro](#)
[Burstein](#)
[Campbell](#)
[Carstarphen](#)
[Fannon](#)
[Lora](#)
[Stark](#)
[Williams](#)

7.E. RESOLUTION NO. 184-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN AN AMOUNT NOT TO EXCEED \$10,000 FOR THE SPECIAL EVENT KNOWN AS THE MUSCLE ON THE BEACH CAR SHOW; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommendation: Review and consider City sponsorship of the Muscle on the Beach Car Show to be held March 2, 2024 on the Old School Square Campus in an amount not to exceed \$10,000.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Resolution No 184-23 Muscle on the Beach sponsorship final lg rev 8-24-24](#)
[Muscle On The Beach 2024 Request for City Special Event Sponsorship with A](#)
[Muscle on the Beach 2024 special event application](#)
[Muscle on the Beach Car Show - Mar 2, 2024 costs](#)
[Simple Legal Review Approval sponsorship muscle on the beach](#)

7.F. APPOINTMENT OF STAFF ASSISTANT CITY ATTORNEY

Recommendation: Motion to Approve the Appointment of Daniela Vega as a Staff Assistant City Attorney for the City of Delray Beach.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Daniela Vega resume](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 10-23: 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 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE," TO REMOVE THE FEE SCHEDULE FOR IN LIEU FEES, VEGETATION REMOVAL PERMITS AND EXCEPTIONAL SPECIMEN TREE PENALTIES FROM THE LAND DEVELOPMENT REGULATIONS IN ORDER TO BE APPROVED BY RESOLUTION TO ESTABLISH MITIGATION REQUIREMENTS FOR PALM TREES, TO REQUIRE MITIGATION FOR TREES AND PALMS WITH LESS THAN 50 PERCENT CONDITION RATING, TO MODIFY THE LIST OF NUISANCE PLANT SPECIES, AND TO UPDATE THE LANGUAGE FOR CLARITY; AND AMENDING APPENDIX A, "DEFINITIONS," TO MODIFY THE DEFINITION OF EXCEPTIONAL SPECIMEN TREE TO REQUIRE A DIAMETER AT BREAST HEIGHT OF 18 INCHES OR MORE AND TO DELETE IN ITS ENTIRETY THE DEFINITION OF SPECIMEN TREE AS DUPLICATIVE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 10-23, a City-initiated amendment to Section 4.6.19(E), *Vegetation removal permits* of the Land Development Regulations (LDRs) to remove the in-lieu fee schedule for the tree removal from the LDRs and codify certain subsections to improve readability.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report](#)
[Ordinance No. 10-23](#)
[Resolution No. 39-23, For Reference Only](#)
[Legal Review, Ordinance No. 10-23](#)
[Proof of Legal Ad](#)

- 8.A.1.** RESOLUTION NO. 39-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.3(K), "FEES," ADOPTING A SCHEDULE OF IN-LIEU FEES FOR MITIGATION OF TREE AND PALM REMOVAL, FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution No. 39-23, adopting a fee schedule for the mitigation of tree and palm removal.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 39-23](#)
[PZB Staff Report](#)
[Legal Review, Resolution No. 39-23](#)

- 8.B.** ORDINANCE NO. 11-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 4.6.16. "LANDSCAPE REGULATIONS," SUBSECTION (E), "LANDSCAPE DESIGN STANDARDS" TO CLARIFY THE STANDARDS FOR THE DESIGN AND INSTALLATION OF PLANT MATERIALS AND TO ADOPT REGULATIONS GOVERNING THE USE OF ARTIFICIAL TURF; AMENDING SUBSECTION (H), "MINIMUM LANDSCAPE REQUIREMENTS" TO AMEND THE MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY DETACHED RESIDENCES BY PROHIBITING THE USE OF ARTIFICIAL TURF IN THE RIGHT OF WAY; AND AMENDING APPENDIX A - "DEFINITIONS" TO PROVIDE A NEW DEFINITION FOR ARTIFICIAL TURF AND TO AMEND THE DEFINITION OF OPEN SPACE TO PROHIBIT THE USE OF ARTIFICIAL TURF IN THE CALCULATION OF OPEN SPACE AREAS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Consider Ordinance No. 11-23, a City-initiated request to amend Section 4.6.16, "Landscape regulations" and Appendix A - "Definitions" of the Land Development Regulations to adopt regulations governing the use of artificial turf.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Artificial Turf](#)
[Ordinance No. 11-23, Artificial Turf](#)
[Table - Artificial Turf CLG Research](#)
[Synthetic Turfgrass and the Nine Principles of FloridaFriendly Landscaping](#)
[Why We Don't Recommend Artificial Grass for Most People](#)
[Synthetic Sports Fields and the Heat Island Effect](#)
[Proof of Legal Ad](#)
[Legal Review, Ordinance No. 11-23](#)

8.C. APPROVAL OF RESOLUTION 119-23: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)**Recommendation: Consideration of the following items:**

Motion to approve and accept Resolution No.119-23 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2023/2024 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

- [1. Updated-Res 119-23 for Stormwater Utility Assessment](#)
- [2. Certificate to Non-Ad Valorem Assesment Roll](#)
- [3. Exhibit A- Resolution 119-23 for Stormwater Utility Assessment FY23-24](#)
- [4. Delray 2023 TRIM -Res 119-23 Stormwater Utility Assessment](#)
- [5. Simple Legal Review Approval Stormwater Utility Assessment 119-23](#)
- [6. Proof of Advertisement](#)

8.D. RESOLUTION NO. 143-23: GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES

Recommendation: Motion to adopt Resolution No. 143-23 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 143-23 FY 2024](#)
[2024 Certified Taxable Value - Year 2023](#)
[Simple Legal Review Approval 143-23](#)

8.E. RESOLUTION NO. 144-23: DOWNTOWN DEVELOPMENT AUTHORITY PROPOSED MILLAGE RATE

Recommendation: Motion to adopt Resolution No. 144-23 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 144-23 DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE 9.5.:](#)
[DDA FY23-24 Proposed Budget Memo for City Commission 9.5.23 Mtg Final \(0](#)
[FY23-24 DDA BUDGET Presentation](#)
[Simple Legal Review Approval 144-23](#)

8.F. RESOLUTION NO. 145-23: ADOPTION OF THE FISCAL YEAR TENTATIVE BUDGET BEGINNING OCTOBER 1, 2023

Recommendation: Motion to adopt Resolution No. 145-23 - Adopting the Tentative Budget for the fiscal year beginning on October 1, 2023 and ending on September 30, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 145-23 Budget FY 2024](#)
[Exhibit A - RESOLUTION 145-23 Budget Hearing 9.5.2023](#)
[2023-24 Proposed Budget Worksheet 9.5.2023](#)
[Simple Legal Review Approval 145-23](#)

8.G. APPROVAL OF THE 2024 THROUGH 2028 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: Motion to approve the 2024 through 2028 Capital Improvement Program Budget.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[~DRAFT FY24 CIP BOOK FOR 9.5.2023](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 29-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2023-24 TO FY 2027-28 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 29-23, adopting the 5-Year Capital Improvement Plan for FY 2023-24 through FY 2027-28 and the FY 2023-24 Capital Improvement Budget into the Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, FY 23-24 CIP](#)
[Ordinance No. 29-23](#)
[Exhibit A, Ordinance No. 29-23](#)
[Legal Review, Ordinance No. 29-23](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT