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 6:00 PM

Tuesday, July 9, 2024

Commission Chambers Delray Beach City Hall

City Commission

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

RULES FOR PUBLIC PARTICIPATION

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

Public comment shall be allowed as follows:

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

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

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

APPELLATE PROCEDURES

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

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. TREE PLANTING PROGRAM ANNUAL REPORT

Recommendation: Consider report and provide comments.

Sponsors: City Manager Department

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:

June 6, 2024 Special Meeting Minutes - DRAFT

June 11, 2024 Budget Workshop Meeting Minutes - DRAFT

June 18, 2024 Regular Meeting Minutes - DRAFT

Sponsors: City Clerk Department

<u>Attachments:</u> <u>June 6, 2024 Special Meeting Minutes - DRAFT</u>

June 11, 2024 Budget Workshop Meeting Minutes - DRAFT

June 18, 2024 Regular Meeting Minutes - DRAFT

6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF SHEILA WADE V. CITY OF DELRAY BEACH

Recommendation: Motion to reject settlement offer proposed by Sheila Wade for the reasons

discussed in the confidential memorandum previously distributed to the

City Commission.

Sponsors: City Attorney Department

6.C. AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND CAMBRIDGE SECURITY SERVICES, INC. FOR THE PURPOSE OF PROVIDING NON-TRANSPORT PARAMEDIC SERVICES TO THE RESIDENTS OF DELAIRE COUNTRY CLUB.

Recommendation: Staff recommends the City enter into an agreement with Cambridge

Security Services, Inc. to allow that company to provide basic and

advanced life support medical services to the residents of Delaire Country

Club prior to the arrival of Delray Beach Fire Rescue units.

Sponsors: Fire Rescue Department

<u>Attachments:</u> Med Dir Agreement

Simple Legal Review Approval MOU with Cambridge

24-883 Cambridge Security MOU

6.D. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 245 SE 4th AVE.

ITEM(S) B1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 143 S SWINTON AVE.

Recommendation:

Consideration of the following items:

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 245 SE 4th Ave.

Item B1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 143 S. Swinton Ave.

Sponsors: Public Works Department

<u>Attachments:</u> A1a - Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc

A1b - Legal Review Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc

B1a - Right of Way Deed - 143 S Swinton Ave - Nigel Development Inc

B1b - Legal Review Right of Way Deed - 143 S Swinton Avenue - Nigel Develor

6.E. RESOLUTION NO. 138-24 BEACH RENOURISHMENT PROGRAM

Recommendation: Motion to Approve Resolution No. 138-24 in support of the City of Delray

Beach Renourishment Program. This resolution supports the beach and

coastal management programs of the Florida Department of

Environmental Protection (FDEP), advising the State of Florida that the City of Delray Beach (City) will consider participation and will provide the local funding share necessary to implement any State beach and coastal management program approved by the City Commission for participation.

Sponsors: Public Works Department

Attachments: Resolution 138-24 lg rev

Legal Review Res 138-24 Beach Renourishment Program

6.F. APPROVAL FOR ADDITIONAL SPENDING ON AGREEMENT RFQ NO. 2020-020 WITH BAXTER & WOODMAN, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE LOWSON BOULEVARD/SW 10TH STREET FROM DOVER ROAD TO SOUTHEAST 5TH AVENUE (US-1/FEDERAL HIGHWAY) PROJECT IN THE AMOUNT OF \$135,000 FOR A REVISED CONTRACT TOTAL OF \$1,319,810.64

Recommendation: Motion to approve additional spending on Agreement RFQ No. 2020-020

with Baxter and Woodman, Inc. for Construction Engineering and Inspection (CEI) Services for the Lowson Boulevard/SW 10th Street from Dover Road to Southeast 5th Avenue (US-1/Federal Highway) Project (Public Works Project No. 17-009) in the amount of \$135,000 for a revised

contract total of \$1,319,810.64.

Sponsors: Public Works Department and Purchasing Department

Attachments: RFQ 2023-020 CEI Lowson Blvd with Baxter & Woodman - Addtl Spending Proj

Agenda Cover Memo - Additional Spending #2 RFQ 2020-020

Proposal #2 - Additional Spending to RFQ 2020-020

Agenda Cover Memo - Additional Spending #1 RFQ 2020-020

Proposal #1 - Additional Spending to RFQ 2020-020

Fully Executed Agreement - Baxter Woodman for Construction Engineering Ins Legal Review Checklist - RFQ 2020-020 with Baxter & Woodman for Lowsn Blv

Resolution No. 98-21

RFQ 2023-020 CEI Lowson Blvd with Baxter & Woodman - Final Solicitation

6.G. APPROVAL OF ADDITIONAL SPENDING ON CONTRACT ITB# 2019-047 VALUE IN THE AMOUNT OF \$180,000 WITH CARUS, LLC f/k/a CARUS CORPORATION FOR SUPPLY AND DELIVERY OF POLY PHOSPHATE IN A TOTAL OVERALL REVISED CONTRACT VALUE OF \$1,229,520.

Recommendation: Motion to approve additional spending on ITB# 2019-047 value in the

amount of \$180,000 with Carus LLC, f/k/a Carus Corporation for supply and delivery of poly phosphate in a total overall revised contract value of

\$1,229,520.

Sponsors: Utilities Department

Attachments: ITB-2019-047 Carus Fully Executed Agree Res. No 209-19.pdf

Carus Res No. 209-19.pdf

22-1101 Amendment No. 1 - Carus LLC. f.k.a Carus Corp _.pdf

Packet for Bid ITB 2019-047.pdf

6.H. RESOLUTION NO. 147-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY EASEMENT, DESIGNATED AS PARCELS 2A AND 2B, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 148-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT, DESIGNATED AS PARCEL 1, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and Approve Resolutions 147-24 and 148-24.

<u>Sponsors:</u> City Attorney Department

Attachments: Res 147-24 Authorizing City to begin Eminent Domain Proceedings - 142 Seabr

Res 148-24 Authorizing Eminent Domain Proceedings - 202 Seabreeze - Full Pa

6.I. PROCLAMATIONS:

6.I.1. PROCLAMATION: PARKS AND RECREATION MONTH

Recommendation: Motion to recognize the month of July as Parks and Recreation Month in

Delray Beach, Florida.

Sponsors: Parks & Recreation Department

<u>Attachments:</u> ParkRecreationMonth_proclamation_2024

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. RESOLUTION NO. 27-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH ADVANCED DATA SOLUTIONS, INC., FOR DOCUMENT SCANNING SERVICES PURSUANT TO INVITATION TO BID 2024-011 FOR UP TO \$274,000 ANNUALLY FOR A FIVE-YEAR CONTRACT IN THE AMOUNT OF \$1,370,000.

Recommendation: Motion to approve Resolution No. 27-24 to award and Agreement to

Advanced Data Solutions, Inc for Documents Scanning Services pursuant to Invitation to Bid No. 2024-011 in the amount of \$274,000 annually for a Five-Year (5) total of \$1,370,000; authorizing the City Manager to take all

actions necessary to effectuate this Agreement; and for other purposes.

<u>Sponsors:</u> Development Services Department and Purchasing Department

Attachments: Legal Review Checklist Agreement ITB 2024-011 Advanced Data Solutions - Do

Agreement ITB 2024-011 Advanced Data Solutions - Document Scanning Servi
Res. No. 27-24 - Agreement ITB 2024-011 - Advanced Data Solutions - Docume
Pricing Schedule - Agreement ITB 2024-011 Advanced Data Solutions - Docume

Packet for Bid ITB 2024-011 Final

Tabulation Packet for ITB 2024-011 7.2.24

6.K.2. APPROVAL OF RESOLUTION NO. 131-24 TO AWARD AN AGREEMENT WITH NFP RETIREMENT, INC., FOR RETIREMENT PLAN CONSULTING SERVICES, UTILIZING MARTIN COUNTY'S REQUEST FOR PROPOSAL NO. 2023-3473

Recommendation: Motion to approve Resolution No. 131-24 to award an Agreement with

NFP Retirement Inc. utilizing Martin County's request for proposal NO.2023-3473 and authorizing the City Manager to execute any

amendments and/or renewals.

Sponsors: Finance Department

Attachments: Legal Review Checklist Nfp Retirement 6.12.24

P2024-031 Retirement plan

Res no. 131-24

RFP2023-3473 RetirementPlanConsultant- solicitation

Agreement-3473 NFPRetirement Martin County Piggyback

7. REGULAR AGENDA:

7.A. APPROVAL OF RESOLUTION NO. 124-24 APPROVING THE OLD SCHOOL SQUARE RE-BRANDING PACKAGE SUBMITTED BY THE DELRAY BEACH DOWNTOWN DEVELOPMENT AUTHORITY FOR USE IN MARKETING OF THE OLD SCHOOL SQUARE CAMPUS.

Recommendation: Motion to approve Resolution No. 124-24 approving the Old School

Square re-branding package submitted by the Delray Beach Downtown Development Authority for use in marketing of the Old School Square

Campus.

Sponsors: City Manager Department

Attachments: Res for OSS Branding

Exhibit A to Res

Delray Old School Square Re Brand Overview provided by the DDA

DDA_OSS Rebrand_City Commission_04.26.2024_2
Simple Legal Review Approval OSS Branding Resolution

7.B. APPROVAL OF AMENDMENT NO. 3 TO THE EXISTING INTERLOCAL AGREEMENT BETWEEN THE TOWN OF GULF STREAM AND THE CITY OF DELRAY BEACH TO PROVIDE FIRE RESCUE SERVICES.

Recommendation: Staff recommends the approval of Amendment No. 3 to the existing

Interlocal Agreement with the Town of Gulf Stream, for the purpose of

receiving financial compensation for Fire Rescue services.

Sponsors: Fire Rescue Department

Attachments: Town of Gulf Stream ILA with Amendments No. 1 & 2

<u>Legal Review Amendment 3 to Gulf Stream Delray Beach Interlocal Agreement</u>

Amendment 3 to Gulf Stream Delray Beach Interlocal Agreement - Fire Services

7.C. NOMINATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY

Recommendation: Motion to recommend one (1) regular member to serve on the Delray

Beach Housing Authority Board for a four (4) year term ending July 14,

2028.

Sponsors: City Clerk Department

Attachments: Exhibit A

Delray Beach Housing Authority

Adelstein Campbell

Cox

<u>Dockerty</u>

<u>Hale</u> Jones

King Petillo

7.D. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for two (2) regular

members to serve on the Parking Management Advisory Board for a two

(2) year term ending July 31, 2026.

Sponsors: City Clerk Department

Attachments: Exhibit A

Parking Management

PMAB 2024 Attendance

Alper, Gregg
Brown, Sarah
Costilo, Alan
Ferguson
Sayrs

7.E. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve the nomination for an appointment for three (3) regular

members to serve on the Police Advisory Board for a term ending July 31,

2026.

Sponsors: City Clerk Department

Attachments: Exhibit A

Police Advisory Board Attendance

Police Advisory Board

Alper, Gregg

Augustin Badet, Founa

<u>Cannon</u> Feldmanis

Godbout, Christina

Lowry

Stacey-Wright

Straghn

Tito, Courtney

Wiggins

7.F. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY

COMMITTEE

Recommendation: Motion to approve nominations for an appointment for three (3) regular

members to serve on the Affordable Housing Advisory Committee.

Sponsors: City Clerk Department

<u>Attachments:</u> <u>Exhibit A</u>

Affordable Housing Advisory Committee

AHAC Attendance

<u>Adelstein</u>

Augustin Badet, Founa

Cohn, Damara

Dumitrescu

Jones, Sara

King, Cara

Petillo

8. PUBLIC HEARINGS/SECOND READINGS:

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

Recommendation: Consider Ordinance No. 13-24, a City-initiated request to amend and

update Section 4.3.4(H), "Setbacks," Section 4.6.15(G), "Yard

Encroachment," and Appendix A, "Definitions," of the Land Development

Regulations (LDR) relative to building design elements and site

improvements allowed in building setbacks.

Sponsors: Development Services Department

Attachments: PZB Staff Report, Ordinance No.13-24

Ordinance No. 13-24

Legal Review, Ordinance No. 13-24

Business Impact Estimate Form, Ordinance No. 13-24

Proof of Legal Ad

8.B. ORDINANCE NO. 16-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Consider Ordinance No. 16-24, a privately initiated request for a

small-scale Land Use Map Amendment from Community Facilities (CF) to Low Density (LD) for a +/- 0.5021-acre property located at 200 SE 7th

Avenue.

<u>Sponsors:</u> Development Services Department

Attachments: 200 SE 7th Avenue - Ord 16-24

200 SE 7th Avenue - BIE Ord 16-24 200 SE 7th Avenue - PZB Report

200 SE 7th Avenue - Existing and Proposed

200 SE 7th Avenue - Traffic Statement

200 SE 7th Avenue - Justification Statement
200 SE 7th Avenue - Legal Reveiw Form
200 SE 7th Avenue - Proof of Legal Ad

8.C. ORDINANCE NO. 17-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-AA), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/QUASI-JUDICIAL)

Recommendation: Consider Ordinance No. 17-24, a privately initiated request for a rezoning

from Community Facilities (CF) to Single-Family Residential (R-1-AA) for a

+/- 0.5021 acre property located at 200 SE 7th Avenue.

Sponsors: Development Services Department

Attachments: 200 SE 7th Avenue - Ord 17-24

200 SE 7th Avenue - BIE Ord 17-24 200 SE 7th Avenue - PZB Report

200 SE 7th Avenue - Existing and Proposed

200 SE 7th Avenue - Traffic Statement

200 SE 7th Avenue - Proof of Legal Ad

200 SE 7th Avenue - Justification Statement
200 SE 7th Avenue - Legal Review Form

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

Recommendation: Motion to approve Ordinance 22-24.

Sponsors: City Attorney Department

<u>Attachments:</u> <u>GE Pension Ordinance - Board Term Limits Ig rev</u>

Simple Legal Review Approval Ordinance 22-24

Business Impact Estimate Form - Ordinance No 22-24 (Retirement Plan Commi

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

- A. City Manager
- **B.** City Attorney
- C. City Commission

11. ADJOURNMENT

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