

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Regular Commission Meeting

Regular Meeting at 5:00 PM

Tuesday, February 20, 2024

Commission Chambers

Delray Beach City Hall

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. PRESENTATION - 100 FOOT CHRISTMAS TREE VOLUNTEERS**

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[10-18-2023_newornaments3](#)
[2023-12-02_203718395](#)
[DSC_0087](#)
[JEff](#)
[Scan_Beardsley Danielle_08_12_03-01-2024](#)
[Scan_Beardsley Danielle_08_13_03-01-2024](#)
[volunteer](#)
[WPTV Nov-28-2023](#)

4.B. FEDERAL GOVERNMENT UPDATE FROM LOBBYIST MICHAEL WILLIS OF THE COLOR NINE GROUP

Recommendation: No action required.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

4.C. PRESENTATION OF THE FLORIDA ATLANTIC UNIVERSITY SCHOOL OF MEDICINE EMERGENCY MEDICAL SERVICES FELLOWSHIP PROGRAM WITH THE FIRE RESCUE DEPARTMENT.

Recommendation: There is no recommended action required. This is a presentation of a program involving the Fire Rescue Department and the FAU School of Medicine, EMS Fellowship program.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[FAU EMS Fellowship presentation v0.3 - Delray](#)

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

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

5.A.1. CLARITY REGARDING UTILITY METER OPERATIONS AND FUNCTIONS

Sponsors: City Manager Department

5.A.2. CLARITY REGARDING THE BOARD OF ADJUSTMENT REFERENDUM CONSIDERATION

Sponsors: City Manager Department

5.B. From the Public

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

Recommendation: Motion to approve meeting minutes as listed below:

January 4, 2024 Workshop Meeting Minutes
January 4, 2024 Regular Meeting Minutes (Corrected)

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 4, 2024 Workshop Meeting Minutes - DRAFT](#)
[January 4, 2024 Regular Meeting Minutes - DRAFT](#)

6.B. 2023-2024 DELRAY BEACH EDUCATION GRANT

Recommendation: Motion to approve disbursement of grant dollars for educational efforts, programming, and instructional improvements in Delray Beach Public Schools.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Education Grant Submissions](#)
[Caron Foundation Settlement](#)
[Atlantic High Funding Agreement](#)
[Carver Community Middle Funding Agreement](#)
[Orchard View Elementary Funding Agreement](#)
[Pine Grove Elementary Funding Agreement](#)
[Plumosa School of the Arts Funding Agreement](#)
[S.D. Spady Elementary Funding Agreement](#)
[Village Academy Funding Agreement](#)
[Legal Review Checklist Education Grant Agreements](#)

6.C. APPROVAL FOR ADDITIONAL SPENDING ON P2019-024 WITH KONE INC. FOR ELEVATOR MAINTENANCE, INSPECTION, AND MODERNIZATION IN THE AMOUNT OF \$732,748 FOR A REVISED CONTRACT TOTAL OF \$1,248,135

Recommendation: Motion to approve a contract value increase of P2019-024 with Kone, Inc. for Elevator Maintenance, Inspection, and Modernization in the amount of \$732,748 for a revised contract total of \$1,248,135.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Quotes - Hilltopper](#)

[Quote - Miller Park](#)

[Quote - Federspiel Garage](#)

[Additional Spending P2019-024](#)

[Amendment No.1 to P2019-024 with KONE](#)

[Agreement P2019-024](#)

[Res No. 49-19](#)

6.D. APPROVAL OF RESOLUTION NO. 57-24 EXPRESSING SUPPORT FOR THE EXTENSION AND CONTINUATION OF THE PALM BEACH COUNTY ONE-CENT SALES INFRASTRUCTURE SURTAX TO FUND LOCAL INFRASTRUCTURE PROJECTS THROUGH DECEMBER 31, 2036

Recommendation: Motion to approve Resolution No. 57-24 expressing support for the extension and continuation of the Palm Beach County One-Cent Sales Infrastructure Surtax to fund local infrastructure projects through December 31, 2036.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Uniform Resolution for Continuation Referendum of Infrastructure Surtax](#)

[Fund 377 Surtax Revenue from 2017 to 2023](#)

[LR Reso 57-24](#)

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. RESOLUTION NO. 61-24 TO AWARD A FIVE YEAR AGREEMENT WITH OCEANSIDE BEACH SERVICE INC. FOR BEACH EQUIPMENT RENTAL CONCESSION SERVICES IN A CONTRACT AMOUNT NOT-TO-EXCEED \$2,223,838.00 PLUS \$12,000.00 PER YEAR (REVENUE)

Recommendation: Motion to award a five (5) year revenue agreement with Oceanside Beach Service Inc. for Beach Equipment Rental Concession Services in the amount of \$2,223,838.00 plus \$12,000.00 per year (revenue) and authorizing the City Manager to take all actions necessary to effectuate this Resolution providing for an effective date, and for other purposes.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 8 WMB 2023 10 03 Oceanside beach 2-9-24](#)
[OSB Delray Vendor Signed](#)
[Reso No. 61-24](#)
[Revenue Generating Proposal-MAG](#)
[RFP 2023-069 Beach Equipment Rental Concessions- ADEVERTISED](#)

6.G.2. RESOLUTION NO. 06-24: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH COMCAST CORPORATION AND THE SUBSIDIARIES AND AFFILIATES FOR ENTERPRISE ETHERNET SERVICES THROUGH A CITY STANDARD CONTRACT; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 06-24 approving an agreement with Comcast Corporation (Comcast) and the subsidiaries and affiliates for monthly enterprise ethernet over fiber optic service and telephone trunk utilities.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Memo - City Standard Approval - Comcast 2023 - signed](#)
[Reso 06-24 Comcast lg FINAL](#)
[CS2024-009 Agreement with notarized sign page](#)
[CS2024-009 Amendment 1 Comcast Enterprise Services MSA with notarized si](#)
[Legal Review](#)

- 6.G.3.** APPROVAL OF RESOLUTION NO. 01-24 TO AWARD AN AGREEMENT TO A.C. SCHULTES OF FLORIDA, INC., FOR WELL MAINTENANCE AND REPAIR SERVICES, UTILIZING TOHOPEKALIGA (TOHO) WATER AUTHORITY SOLICITATION NO. IFB-19-122 IN AN AMOUNT NOT TO EXCEED \$800,000 (\$250,000 FY23-24 AND \$550,000 FY24-25 RESPECTIVELY).

Recommendation: Motion to approve resolution No. 01-24 to award an Agreement to A.C. Schultes of Florida, Inc., for well maintenance and repair services, in an estimated amount of \$800,000 through February 28, 2025, utilizing Tohopekaliga Water (Toho) Authority Solicitation No. IFB-19-122.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist P2024-012 Maintenance and Repair Services - AC Schu](#)
[Reso 01-24 Iq rev final.docx](#)
[P2024-012 Maintenance and Repair Services - Vendor Signed](#)
[P2024-012 Maintenance and Repair Services - AC Schultes - Tohopekaliga Wa](#)

- 6.G.4.** HOLD HARMLESS AGREEMENT FOR 1615 S CONGRESS AVENUE AND 1625 S CONGRESS AVENUE

Recommendation: Consideration of the following Hold Harmless Agreement for installation of new 16-inch insertion valve on City's water main located within the State Right-of-Way for proposed new Delray Central Development Project located at 1615 S Congress Avenue and S Congress Avenue.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless Agreement for State ROW - Delray Central - 1615 and 1625 S C](#)
[Legal Review Hold Harmless Agreement for State ROW - Delray Central - 1615](#)

6.G.5. 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 \$1,184,810.

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 in the amount of \$135,000 for a revised contract total of \$1,184,810.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Proposal #2 for Extended CEI Services](#)
[Agenda Cover Memo - Additional Spending Request 8.15.2023](#)
[Proposal #1 for Extended CEI Services](#)
[Agreement RFQ 2020-020 with Baxter & Woodman - CEI for Lowson Blvd](#)
[Legal Review Checklist - RFQ 2020-020 with Baxter & Woodman for Lowson Blvd](#)
[Resolution No. 98-21](#)
[2020-020_CEI_Services_LowsonBoulevard_FINAL](#)

- 6.G.6.** APPROVAL OF RESOLUTION NO. 42-24 APPROVING THE LOCAL AGENCY PROGRAM AGREEMENT (444377-1-58-01) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING RECEIPT OF GRANT FUNDS FOR THE OLD GERMANTOWN ROAD BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT FROM OLD GERMANTOWN ROAD TO CONGRESS AVENUE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 42-24 and to approve the Local Agency Program agreement (444377-1-58-01) with the Florida Department of Transportation regarding receipt of grant funds for the Old Germantown Road Bicycle and Pedestrian Improvements Project from Old Germantown Road to Congress Avenue in a maximum amount of \$4,706,455 (Federal Funds). The total estimated construction cost (inclusive of contingencies, construction engineering and inspection) is \$8,328,000; therefore, the City is responsible for providing funds in excess of the \$4,706,455 grant funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review FDOT LAP for Germantown Road Improvements](#)
[444377-1 Unexecuted LAP Agreement Germantown Road Improvements](#)
[Res. 42-24 lap agreement with FDOT rev.](#)

- 6.G.7.** APPROVAL OF RESOLUTION NO. 39-24 TO AWARD AN AGREEMENT WITH CARNAHAN PROCTOR AND CROSS, INC. FOR CONSTRUCTION ENGINEERING, AND INSPECTION SERVICES FOR THE NORTH SWINTON AVENUE ROADWAY UNDERGROUND UTILITY IMPROVEMENTS PROJECT, PURSUANT TO RFQ NO. 2023-041 IN THE AMOUNT OF \$890,298.43.

Recommendation: Motion to Approve Resolution No. 39-24 to award an Agreement with Carnahan Proctor and Cross, Inc. for Construction Engineering, and Inspection Services for the North Swinton Avenue Roadway Underground Utility Improvements project pursuant to RFQ No. 2023-041 (Public Works Project No. 19-012), in the amount of \$890,298.43.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Agreement RFQ 2023-041 with CPC for N. Swinton Ave. CEI Services - Partial](#)
[Exhibit A - Scope of Work](#)
[Exhibit B - Fee Schedule](#)
[Resolution 39-24 \(DV edits\) CEI Services](#)
[Legal Review](#)
[Vendor Submittal](#)
[RFQ 2023-041](#)

7. REGULAR AGENDA:**7.A. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

Recommendation: Motion to approve the nomination for an appointment for two (2) regular members: one (1) will serve an unexpired term ending August 31, 2024, and one (1) regular member will serve an unexpired term ending August 31, 2025.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Adjustment](#)
[BOA ATTENDANCE](#)
[DeLacio, John](#)
[Morales, Tiana](#)

7.B. NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve an unexpired term ending August 31, 2025.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Planning and Zoning Board 2024](#)
[2024 PZB Attendance](#)
[Baffer](#)
[Blumenfeld](#)
[Bowens](#)
[Cohn](#)
[DeLacio](#)
[Dumitrescu](#)
[Fredericks](#)
[Kapustein](#)
[Mollica](#)
[Petillo](#)
[Rindos](#)
[Sauarez](#)
[Schiff](#)
[Straghn](#)
[Sylvester](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 04-24: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (I), "CBD PARKING STANDARDS," SUB-SUBSECTION (2), "MINIMUM NUMBER OF OFF-STREET PARKING SPACES," TO EXTEND THE PARKING EXEMPTION FOR CHANGES IN COMMERCIAL USE WITHIN EXISTING COMMERCIAL BUILDINGS AND ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT THROUGH DECEMBER 31, 2026; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider a City-initiated amendment to Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," of the Land Development Regulations (LDR) to extend the parking exemption for existing commercial buildings and outdoor use areas within the West Atlantic Neighborhood Sub-district through December 31, 2026.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 04-24](#)
[PZB Staff Report, W. Atlantic Neighborhood Sub-district Parking Exemption](#)
[DDA Recommendation](#)
[Legal Review, Ordinance No. 04-24](#)
[Proof of Legal Notice, Ordinance No. 04-24](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 08-24: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," AND SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," TO ADOPT FLOOR AREA RATIO AND BUILDING ARTICULATION REGULATIONS FOR RESIDENTIAL DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY; AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT DEFINITIONS FOR HORIZONTAL ARTICULATION AND STEP-BACK; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 08-24, a City-initiated request to amend Land Development Regulations (LDR) Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District" to adopt floor area ratio and building articulation regulations for single family, duplex, and multi-family development property east of the Intracoastal Waterway; and amending Appendix A, "Definitions," to adopt associated definitions.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 08-24, Infill Housing Compatibility Initiative](#)
[PZB Staff Report, Infill Housing Compatibility Initiative - 01-11-24 1940 PM](#)
[Build-Out Analysis, Infill Housing Compatibility Initiative](#)
[Business Impact Estimate - Infill Housing Compatibility Initiative](#)
[Legal Review, Ordinance No. 08-24](#)

- 9.B.** ORDINANCE 03-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTIONS 37.37 THROUGH 37.39 TO ESTABLISH A CIVIL CITATION PROCEDURE PURSUANT TO FLORIDA STATUTE 162, PART II, AS AN ALTERNATIVE CODE ENFORCEMENT METHOD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance 03-24.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 03-24 civil citations lq rev 2-20-24 agenda](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT