

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, November 14, 2023

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 OF THE TOP 10 DIGITAL CITIES AWARD**

Recommendation: NA

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)

4.B. RESOLUTION NO. 218-23 WILLIAM MARINO 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No.218-23 honoring William Marino for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 218.23 William Marino 11.07.23](#)

4.C. PRESENTING JERROD FERGUSON, COMMUNITY SERVICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR OCTOBER 2023.

Recommendation: Motion to approve Jerrod Ferguson, Community Service Officer, as Employee of the Month for October 2023.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Jerrod Ferguson EOM](#)

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:

October 17, 2023 Regular Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[October 17, 2023 Regular Meeting Minutes - DRAFT](#)

6.B. APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH THE DELRAY BEACH PICKLEBALL CLUB, INC. TO HOST AN ANNUAL COMPETITIVE PICKLEBALL TOURNAMENT KNOWN AS THE, "DELRAY BEACH PICKLEBALL CLUB TOURNAMENT" AT THE DELRAY BEACH TENNIS CENTER

Recommendation: Motion to approve a Revocable License Agreement (RLA) with the Delray Beach Pickleball Club, Inc. (DBPC) to host an annual competitive pickleball tournament at the Delray Beach Tennis Center for three (3) years.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Revocable License Agreement with Delray Beach Pickleball Club Delray Beach Pickleball Club Tournament 2023 10 24](#)

6.C. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Recommendation: Motion to approve application and award of the Florida Department of Transportation (FDOT) FY 22/24 Occupant Protection/Child Passenger Safety program grant.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form_FDOT grant application_Occupant Protection and Child Passenger Safety FDOTSubgrantAgreement-2024 - Occupant](#)

6.D. APPROVAL TO SUBMIT APPLICATION FOR FLORIDA DEPARTMENT OF LAW ENFORCEMENT FY 2023/2024 DRONE REPLACEMENT PROGRAM

Recommendation: Motion to approve application for Florida Department of Law Enforcement FY 2023/2024 Drone Replacement Program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[FY-23-24-Drone-Replacement-Contract-Template-FINAL-\(Award-ID\)_lw rev](#)
[Legal Review Form_FDLE Drone Replacement Program](#)

6.E. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1122 OCEAN TER.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 102 NW 7th ST.

ITEM(S) A3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 4760 W. ATLANTIC AVE.

ITEM(S) A4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 13 EASTVIEW AVE.

ITEM(S) A5 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 321 NW 7th ST.

Recommendation: Consideration of the following items:

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 1122 Ocean Ter.

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of 102 NW 7th St.

Item A3 - Motion to approve and accept a Right-of-Way Dedication by the owners of 4760 W. Atlantic Ave.

Item A4 - Motion to approve and accept a Right-of-Way Dedication by the owners of 13 Eastview Ave.

Item A5 - Motion to approve and accept a Right-of-Way Dedication by the owners of 321 NW 7th St.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 1122 Ocean Terrace - Sea to Seaside Developmen](#)

[A1b - Legal Review Right of Way Deed 1122 Ocean Terrace Sea to Seaside De](#)

[A2a - Right of Way Deed - 102 NW 7th St - Melissa L Cohn](#)

[A2b - Legal Review Right of Way Deed 102 NW 7th Street - Melissa L Cohn](#)

[A3a - Right of Way Deed - 4760 W Atlantic Ave - WPG ATLANTIC LLC](#)

[A3b - Legal Review Right of Way Deed 4760 W Atlantic - WPG Atlantic LLC](#)

[A4a - Right of Way Deed 13 EastView Ave - Connect Developers LLC](#)

[A4b - Legal Review Right of Way Deed 13 Eastview Avenue Connect Develop](#)

[A5a - Right of Way Deed 321 NW 7th St - 321 NW 7TH LLC](#)

[A5b - Legal Review Right of Way Deed 321 NW 7th Street - 321 NW 7th LLC](#)

- 6.F.** APPROVAL OF RESOLUTION NO. 224-23 FOR THE ISSUANCE OF A PURCHASE ORDER TO TAMPA CRANE & BODY ACQUISITION, LLC. DBA TAMPA CRANE, FOR THE PURCHASE OF A SCHWARZE STREET SWEEPER UTILIZING SOURCEWELL CONTRACT NO. 093021-SWZ, IN THE AMOUNT OF \$354,612.00.

Recommendation: Motion to approve Resolution No. 224-23 for the issuance of a purchase order to Tampa Crane & Body Acquisition, LLC. dba Tampa Crane, for the purchase of a Schwarze Model A7SE Tornado Street Sweeper utilizing Sourcewell 093021-SWZ, in the amount of \$354,612.00.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote - Schwarze Street Sweeper](#)
[Tampa Crane Authorized Dealer Letter](#)
[Res No. 224-23 Sourcewell PO for Street Sweeper Tampa Crane](#)
[Legal Review Res 224-32 PO for Street Sweeper under Sourcewell Agmt](#)
[Sourcewell Contract 093021-SWZ](#)
[Sourcewell Price Letter 090321-SWZ](#)
[Sourcewell RFP 093021](#)

- 6.G.** APPROVAL OF RESOLUTION NO. 230-23 FOR THE ISSUANCE OF A PURCHASE ORDER TO BOZARD FORD CO. FOR THE PURCHASE OF FIFTEEN (15) NEW FORD POLICE INTERCEPTORS, UTILIZING FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA23-VEL31.0, IN THE AMOUNT OF \$670,620.00

Recommendation: Motion to approve Resolution No. 230-23 for the issuance of a purchase order to Bozard Ford Co. for fifteen (15) new Ford Police Interceptors, utilizing Florida Sheriff's Association Contract No. FSA23-VEL31.0, in the amount of \$670,620.00.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote Bozard - Ford Interceptors x15](#)
[Simple Legal Review Approval for Resolution 230-23 Police Interceptors per FS](#)
[Res No. 230-23](#)
[FSA23-VEL.310 Contract Packet](#)
[FSA Award Letter FSA23-VEL31.0 - Ford Interceptor K8A](#)

6.H. APPROVAL OF A PRICE INCREASE TO RFQ 2017-048 WITH BAXTER AND WOODMAN, INC. FOR CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURAL CONSULTING SERVICES.

Recommendation: Motion to approve a price increase to Baxter and Woodman, Inc. for continuing engineering, surveying, and landscape architectural consulting services.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment No. 4 - 2017-048 Baxter Woodman](#)
[Exhibit B - Rate Increase Amendment No. 3](#)
[Legal Review Checklist Amendment Baxter Woodman](#)
[Amendment No. 3 - 2017-048 Baxter & Woodman](#)
[Amendment No. 2 - 2017-048 Baxter & Woodman](#)
[Amendment No. 1 - 2017-048 Baxter & Woodman](#)
[RFQ 2017-048](#)

6.I. APPROVAL OF ADDITIONAL SPENDING ON RFP 2022-038 WITH ONE PARKING, INC., FOR COMPREHENSIVE PARKING MANAGEMENT SERVICES IN THE AMOUNT OF \$644,934 FOR A REVISED TOTAL OF \$3,278,845

Recommendation: Motion to approve additional spending on RFP 2022-038 with One Parking, Inc., for Comprehensive Parking Management Services, in the amount of \$644,934.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Proposal for Parking Technology Improvements](#)
[Amendment No. 1 - RFP No. 2022-038](#)
[Agreement RFP 2022-038](#)
[Resolution No. 57-23](#)

- 6.J.** CONSIDER APPROVAL OF A LICENSE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH TO ALLOW THE CITY TO UTILIZE COUNTY OWNED PARKING FACILITIES AT THE SOUTH COUNTY COURTHOUSE DURING SPECIAL EVENTS.

Recommendation: Motion to approve a License Agreement between Palm Beach County (County) and the City of Delray Beach (City) to allow the City to utilize county owned parking facilities at the South County Courthouse during special events.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[License Agreement 112823-082824_Final rev. 11.08.23.pdf](#)
[Simple Legal Review Approval License Agreement for County Parking Lot.pdf](#)
[Agenda Memo - PBC Parking Garage License Agreement.docx](#)

- 6.K.** HOLD HARMLESS AGREEMENT IN FAVOR OF THE CITY TO INSTALL A 3-INCH POTABLE WATER SERVICE, WITHIN THE STATE RIGHT-OF-WAY FOR PROPERTY LOCATED AT 611 S OCEAN BOULEVARD

Recommendation: Consideration of the following item Hold Harmless Agreement for installation of 3-inch potable water service within the State Right-of-Way for property located at 611 S Ocean Boulevard.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless 611 S. Ocean legal Review.docx](#)
[Water Sewer plan Oct 2023 21 00198923 \(002\).pdf](#)
[Hold Harmless Agreement_Owner signed_10 2023 \(002\).pdf](#)

6.L. PROCLAMATIONS:

- 6.L.1.** 2023 SMALL BUSINESS SATURDAY - NOVEMBER 25, 2023 - PROCLAMATION

Recommendation: Proclaim November 25, 2023 as Small Business Saturday in Delray Beach, Florida.

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)
[Small Business Saturday Proclamation 2023](#)

- 6.L.2.** PICKLEBALL MONTH PROCLAMATION

Recommendation: Motion to proclaim the month of November as Pickleball Month in recognition of the 2023 Delray Beach Pickleball Tournament.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Pickleball_Proclamation](#)

6.L.3. WORLD AIDS DAY PROCLAMATION - DECEMBER 1, 2023

Recommendation: Motion to declare December 1, 2023 as World AIDS Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[World AIDS Day 2023](#)

6.M. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.M.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM OCTOBER 9, 2023 THROUGH NOVEMBER 3, 2023.**

Recommendation: By motion, receive and file this report for actions on development application requests from October 9, 2023, through November 3, 2023.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PAAB \(10-24\)-75 SE 4th Avenue](#)
[SPRAB \(10-25\)-Fifth Third](#)
[HPB \(11-1\)-143 S Swinton Avenue](#)
[HPB \(11-1\)-525 E. Atlantic Avenue \(The Colony Hotel\)](#)
[HPB \(11-1\)-The Cathcart House](#)
[Admin Approval - Tint World Level 2 - 3416 S Federal Highway](#)

6.N. AWARD OF BIDS AND CONTRACTS:**6.N.1 APPROVAL OF RESOLUTION NO. 210-23 TO AWARD AN AGREEMENT WITH LHOIST NORTH AMERICA OF ALABAMA, LLC., FOR THE PURCHASE AND DELIVERY OF BULK QUICKLIME FOR WATER TREATMENT; UTILIZING THE CITY OF TAMARAC COOPERATIVE AGREEMENT BID NO. 23-36B, IN A TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$12,766,632.**

Recommendation: Motion to approve resolution No. 210-23, to award an agreement with Lhoist North America of Alabama, LLC., for purchase and delivery of bulk quicklime for water treatment, in a total estimated amount of \$12,766,632 through October 31, 2029.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist LHOIST.pdf](#)
[P2024-003 CO-OP LHOIST Resolution 210-23.pdf](#)
[P2024-003 CO-OP Lhoist Agreement.pdf](#)
[Exhibit A.pdf](#)
[23-36B - Furnish Deliver and Discharge of Quicklime - Final](#)
[Quicklime Contract Award for Co-op Web-site 2023 2051394342](#)

6.N.2. APPROVAL OF RESOLUTION NO. 231-23 TO AWARD AN AGREEMENT WITH TEN-8 FIRE & SAFETY LLC., FOR THE PURCHASE OF A PUMPER TRUCK AND A LADDER TRUCK, UTILIZING SOURCEWELL RFP 113021, IN THE AMOUNT OF \$2,765,420.58.

Recommendation: Motion to approve Resolution No. 231-23 to award an agreement with Ten-8 Fire & Safety LLC., for the purchase of a Pierce Enforcer Pumper Truck and a Pierce Enforcer Ladder Truck from Ten-8 Fire & Safety LLC., utilizing Sourcewell RFP 11302, in the amount of \$2,765,420.58.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Vendor signed Agreement](#)
[P2024-009 Ten-8 Fire Safety LLC lg rev](#)
[Exhibit A- Delray Beach Ladder and Pumper Proposal](#)
[Reso. No. 231-23 lg rev](#)
[Legal Review Checklist form v. 8 WMB 2023 10 03](#)
[Sourcewell Contract 113021-OKC](#)
[Sourcewell Price Letter 113021-OKC](#)
[Sourcewell RFP 113021](#)
[Ten-8 Dealer-Sole Source](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 235-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH EMANUEL JACKSON, SR. PROJECT, INC., FOR THE LONG-TERM LEASE AND REDEVELOPMENT OF THE AMERICAN LEGION BUILDING PURSUANT TO THE CITY'S PUBLIC/PRIVATE PARTNERSHIPS, SOLICITED AND UNSOLICITED PROPOSALS AND EVALUATION PROCESS POLICY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 235-23 authorizing the City Manager to negotiate an agreement with Emanuel Jackson Sr. Project, Inc. for the long-term lease and redevelopment of the American Legion Building, located at 196 NW 8th Avenue, Delray Beach, Florida, 33444.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res. 2023-078 Unsolicited Proposal EJS commence negotiations](#)
[Emanuel Jackson Sr. Project, Inc Proposal](#)
[Simple Legal Review EJS Unsolicited Proposal](#)

7.B. NOMINATION FOR AN APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve nomination for an appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for an initial term of one (1) year ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Baffer](#)

[Cohen R.](#)

[DeLacio](#)

[Dumitrescu](#)

[Kapustein](#)

[Kiser](#)

[Nelson](#)

[O'Conner](#)

[Olieberg](#)

[Rindos](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 21-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, WHICH MEASURES APPROXIMATELY 5.08 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, AND IS SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS PARCEL INTO THE CITY BOUNDARIES AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 21-23, a privately initiated request for annexation of a parcel of land located at 4594 133rd Road South, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report](#)
[Ordinance No. 21-23, 4594 133rd Road South Annexation](#)
[Map AD-23 - Annexation Areas](#)
[Map AD-1 Planning Area](#)
[Applicant Project Narrative, 4594 133rd Road South](#)
[Traffic Study, 4594 133rd Road South](#)
[TPS Review Letter, 4594 133rd Road South](#)
[SCAD Letter, 4594 133rd Road South](#)
[Palm Beach County Letter of No Objection](#)
[Map - Proposed Land Use](#)
[Map - Proposed Zoning](#)
[Legal Review, Ordinance No. 21-23](#)
[Proof of Legal Notice No. 1](#)
[Proof of Legal Notice No. 2](#)

- 8.B.** ORDINANCE NO. 22-23: 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 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL 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/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 22-23, 4594 133 Road South LUMA](#)
[PZB Staff Report](#)
[Map AD-1 Planning Area](#)
[Map AD-23 Annexation Areas](#)
[Map - Proposed Land Use 4594 133rd Road South](#)
[Applicant Project Narrative, 4594 133rd Road South](#)
[Traffic Study, 4594 133rd Road South](#)
[TPS Letter, 4594 133rd Road South](#)
[Legal Review, Ordinance No. 22-23](#)
[Proof of Legal Notice](#)

- 8.C.** ORDINANCE NO. 23-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO SINGLE FAMILY R-1-A, 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/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 23-23, a privately initiated rezoning request rezoning request from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A), totaling 5.08 acres, located west of Barwick Road and north of the Lake Worth Drainage District L-31 Canal.

Sponsors: Development Services Department

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

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 36-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH, PROVIDING FOR INCLUSION OF THE PARCEL INTO AND REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUBSECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 36-23, a privately initiated request for annexation of a parcel of land located at 5185 Atlantic Avenue, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.4(A).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 36-23](#)
[5185 Atlantic PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[Survey - 5185 Atlantic Avenue](#)
[5185 Atlantic Avenue Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 36-23 Annexation 5185 W Atlantic Ave](#)

- 9.B.** ORDINANCE NO. 37-23: 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 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY RESIDENTIAL HIGH TO CITY OF DELRAY BEACH MEDIUM 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. (FIRST READING)

Recommendation: Review and consider Ordinance No. 37-23, a privately initiated request for a small-scale Land Use Map Amendment for a parcel of land located at 5185 Atlantic Avenue, subject to Florida Statutes Section 163 and the City of Delray Beach Land Development Regulations Section 2.4.5(A).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 37-23](#)
[5185 Atlantic Ave PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Ave Conceptual Site Plan](#)
[5185 Atlantic Ave Survey - Site](#)
[5185 Atlantic Ave Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 37-23 LUM 5185 W Atlantic Ave](#)

- 9.C.** ORDINANCE NO. 38-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL; 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. (FIRST READING / QUASI JUDICIAL)

Recommendation: Review and consider Ordinance No. 38-23, a privately initiated request for a rezoning from Palm Beach County Agriculture Residential to City of Delray Beach Multiple Family Residential for a parcel of land located at 5185 Atlantic Avenue, subject to the City of Delray Beach Land Development Regulations Section 2.4.5(B).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 38-23](#)
[5185 Atlantic Avenue PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[5185 Atlantic Avenue Survey - Site](#)
[5185 Atlantic Avenue Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 38-23 Rezoning 5185 W Atlantic Ave](#)

- 9.D.** ORDINANCE NO. 39-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 4, "ZONING REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SUBSECTION (F), "DEVELOPMENT STANDARDS," SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS," AND SUBSECTION (H), "SPECIAL REGULATIONS" TO PROVIDE REGULATIONS FOR THE FLO DELRAY OVERLAY DISTRICT; AMENDING ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," BY ENACTING A NEW SECTION 4.5.22, "THE FLO DELRAY OVERLAY DISTRICT;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SUBSECTIONS 4.7, "DEFINITIONS," 4.7.2, "APPLICABILITY," SUBSECTION (B), "WORKFORCE HOUSING INCENTIVE AREAS" TO ALLOW FOR APPLICABILITY OF WORKFORCE HOUSING INCENTIVES IN THE FLO DELRAY OVERLAY DISTRICT, AND AMENDING 4.7.4, "DENSITY BONUS AREAS" TO OUTLINE REQUIREMENTS FOR INCREASED DENSITY FOR THE FLO DELRAY OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING / PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 39-23, a privately-initiated amendment to the Land Development Regulations to adopt The Flo Delray Overlay District for the purpose of establishing a revitalization incentive density bonus of up to 24 dwelling units per acre at the property 5185 Atlantic Avenue, subject to the City of Delray Beach Land Development Regulations Section 2.4.7.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord No. 39-23 - The Flo Overlay District_rev. kwb](#)
[5185 Atlantic Avenue PZB Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[5185 Atlantic Avenue Survey - Site](#)
[Project Narrative - Annex-LUMA-Rez](#)
[Summary of Incentive Areas](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Approval](#)

- 9.E.** ORDINANCE NO. 43-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING POLICE OFFICERS' RETIREMENT SYSTEM OF CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 33.62, "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 33.70, "DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS" BY DELETING THE CURRENT LANGUAGE AND REPLACING IT WITH "INTERNAL REVENUE CODE COMPLIANCE", TO PROVIDE COMPLIANCE WITH THE INTERNAL REVENUE CODE AND THE SECURE 2.0 ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to approve Ordinance amendment for compliance with Federal required SECURE 2.0 Act provisions.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval- Ordinance 43-23 10-31-23](#)
[SECURE 2.0 Ordinance Amendment .01 10-31-23](#)
[BIE--Ordinance 43-23 Police Pension Secure Act 2.0](#)

- 9.F.** ORDINANCE NO. 50-23: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY AMENDING SECTION 35.089, "DEFINITIONS"; AMENDING SECTION 35.091, "VESTING"; AMENDING SECTION 35.097, "RETIREMENT INCOME; BASIS, AMOUNT AND PAYMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommendation: Staff recommends approval of Ordinance No. 50-23 on first reading.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Ordinance 50-23 CM CA Pension Ord lg rev final for 1st reading](#)
[Legal Review Ordinance 50-23 CM CA pension](#)
[BIE--Ordinance 50-23 CM and CA pension benefits](#)

- 9.G.** ORDINANCE NO. 42-23: 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 CREATING A NEW SECTION 35.111, "BIENNIAL REVIEW," TO PROVIDE AN OPPORTUNITY FOR THE CITY COMMISSION TO REVIEW THE RETIREMENT AND DISABILITY BENEFITS PROVIDED TO RETIRED AND CURRENT EMPLOYEES EVERY ODD-NUMBERED YEAR; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance 42-23.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 42-23 GE Pension Ordinance - Biennial Review 9.27.23 draft lg rev.docx \(](#)

[BIE--Ordinance 42-23 biennial COLA final](#)

[Simple Legal Review Approval 42-23 Biennial COLA review](#)

- 9.H.** ORDINANCE NO. 51-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY REPEALING SECTION 3.14, "PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT," SUBSECTION (B), "BOARD OF ADJUSTMENT"; PROVIDING FOR A REFERENDUM ON MARCH 19, 2024; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve Ordinance 51-23.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 51-23 BOA repeal referendum](#)

[BIE--Ordinance 51-23 BOA repeal](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT