

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Regular Commission Meeting

Regular Meeting at 5:00 PM

Tuesday, April 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. RESOLUTION NO. 72-24 SHAWN BECKOWITZ 30 YEARS OF SERVICE**

**Recommendation:** Motion to Approve Resolution No. 72-24 honoring Shawn Beckowitz for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Shawn Beckowitz 30 Year Resolution](#)

**4.B. RESOLUTION NO. 79-24 TOMMIE OSBORN 30 YEARS OF SERVICE**

**Recommendation:** Motion to Approve Resolution No. 79-24 honoring Tommie Osborn for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Tommie Osborn 30 Year resolution](#)

**4.C. LEGISLATIVE UPDATE BY SENATOR LORI BERMAN AND REPRESENTATIVE CASSELLO**

**Sponsors:** City Clerk 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.A.1. IMPLEMENTATION OF THE SWINTON AVENUE & ATLANTIC AVENUE INTERSECTION IMPROVEMENT PROJECT**

**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:

March 5, 2024 Regular Meeting Minutes - DRAFT

**Sponsors:** City Clerk Department

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

[March 5, 2024 Regular Meeting Minutes - DRAFT](#)

**6.B. RESOLUTION NO. 64-24 AMENDING THE FISCAL YEAR 2023-24 BUDGET ADOPTED BY RESOLUTION NO. 145-23 ON SEPTEMBER 18, 2023.**

**Recommendation:** Motion to Approve Resolution No. 64-24 amending the budget for Fiscal Year 2023-24 adopted on September 18, 2023.

**Sponsors:** Finance Department

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

[Resolution 64-24 Budget Amendment FY 2023-24 04.09.2024](#)

[Legal Review Res 64-24 Budget Amd to FY 23-24](#)

[Exhibit A - Resolution 64-24 Budget Amendment 4.9.24](#)

**6.C. ITEM A-1 HOLD HARMLESS AGREEMENT FOR WORK PERFORMED WITHIN THE STATE RIGHT-OF-WAY AT 302, 318, 338, AND 346 SE 5TH AVE.**

**Recommendation:** Motion to approve and accept a Hold Harmless Agreement with 318 SE 15th Ave, LLC., for improvements constructed within FDOT right-of-way, for the right-of-way abutting 302, 318, 338, and 346 SE 5th Ave.

**Sponsors:** Utilities Department

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

[Legal Review Hold Harmless Agreement for State ROW - 318 SE 5th Ave - 318](#)

[Hold Harmless Agreement for State ROW - 318 SE 5th Ave - 318 SE 5th Ave LI](#)

**6.D. HOUSING REHABILITATION GRANT AWARD TO HORIZON GENERAL CONTRACTING & DEVELOPMENT, LLC. FOR 629 SW 8th AVENUE IN THE AMOUNT OF \$75,839.76**

**Recommendation:** Motion to approve a housing rehabilitation grant(s) in the amount of \$75,839.76 to Horizon General Contracting & Development, LLC, funded under the Community Development Block Grant (CDBG) Program for property located at 629 SW 8TH Avenue (Beachem), Delray Beach, FL.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Legal Review CDBG Lien Agreement - Rozie Beachem - 629 SW 8th Ave](#)  
[CDBG Lien Agreement -Beachem FINAL](#)  
[Affordable Housing Program Certification](#)  
[Quote Information Sheet Beachem](#)  
[Q 2024-003 - Department Concurrence Approval - signed](#)  
[Memorandum of Understanding](#)  
[Notice to Proceed](#)  
[Notice of Commencement Beachem](#)  
[2a. PARKING PLAN AFFIDAVIT](#)  
[Warranty Docs](#)

**6.E. HOUSING REHABILITATION GRANT AWARD TO HORIZON GENERAL CONTRACTING & DEVELOPMENT, LLC. FOR 3406 PLACE VALENCAY IN THE AMOUNT OF \$74,346.61**

**Recommendation:** Motion to approve a housing rehabilitation grant in the amount of \$74,346.61 to Horizon General Contracting & Development, LLC, funded under the State Housing Initiative Partnership (SHIP) Program for property located at 3406 Place Valencay (Menard), Delray Beach, FL.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Legal Review SHIP Lien Agreement - Philomene and Narline Menard - 3406 Pl](#)  
[SHIP Lien Agreement - Philomene Menard and Narline Menard FINAL](#)  
[Affordable Housing Program Certification for Menard](#)  
[Quote Information Sheet Menard](#)  
[Memorandum of Understanding](#)  
[Notice to Proceed](#)  
[2a. PARKING PLAN AFFIDAVIT](#)  
[Notice of Commencement Philomene Menard final](#)  
[Warranty Docs](#)

**6.F. PROCLAMATIONS:**

**6.F.1. PROCLAMATION: ROCK THE BLOCK**

**Recommendation:** Motion to recognize the Rock The Block through the a tri-party partnership between Habitat for Humanity of Greater Palm Beach County, the Delray Beach Community Redevelopment Agency (CRA) and City of Delray Beach.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Rock the Block](#)

**6.F.2. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS WATER CONSERVATION MONTH.**

**Recommendation:** Motion to proclaim the month of April as Florida's Water Conservation Month.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[2024 Water Conservation Proclamation.doc](#)

**6.F.3. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS AUTISM ACCEPTANCE MONTH**

**Recommendation:** Motion to proclaim the month of April as Autism Acceptance Month.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[AutismAcceptanceProc 2024](#)

**6.F.4. SEXUALLY TRANSMITTED DISEASE AWARENESS MONTH**

**Recommendation:** Motion to declare April 2024 as Sexually Transmitted Disease Awareness Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Sexually Transmitted Disease Awareness Month](#)

**6.G. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.G.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM FEBRUARY 26, 2024 THROUGH MARCH 29, 2024.**

**Recommendation:** By motion, receive and file this report for actions on development application requests from February 26, 2024 through March 29, 2024.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB \(2-26\) Harbour's Edge](#)  
[HPB \(3-6\) Sundry Village-Building G](#)  
[SPRAB \(3-28\) Parks at Delray](#)

**6.H. AWARD OF BIDS AND CONTRACTS:**

**6.H.1. APPROVAL OF RESOLUTION NO. 54-24 TO RETROACTIVELY APPROVE A CITY STANDARD AGREEMENT WITH BADGER METER, INC., FOR WATER METERING TECHNOLOGY PRODUCTS FOR THE UTILITIES DEPARTMENT (UTILITIES) IN A TOTAL NOT-TO-EXCEED ESTIMATED AMOUNT OF \$320,000 (RESPECTIVELY \$160,000 PER YEAR).**

**Recommendation:** Motion to approve Resolution No. 54-24 to retroactively approve a City Standard Agreement with Badger Meter, inc., for water meter technology products for the Utilities in a total not-to-exceed estimated amount of \$320,000 (respectively \$160,000 per year).

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Badger Meter Inc. City Standard.pdf](#)  
[Resolution 54-24 Badger Meter City Standard No Mayor name](#)  
[Executed - CS2024-0013 Agreement Vendor Signed](#)

- 6.H.2.** APPROVAL OF RESOLUTION NO. 70-24 TO AWARD AN AGREEMENT WITH J-MAC CLEANING SERVICES, INC. FOR LANDSCAPE MAINTENANCE OF THE GATEWAY FEATURE ALONG ATLANTIC AVENUE PURSUANT TO ITB 2024-004 FOR AN INITIAL THREE-YEAR TERM COST OF \$54,120.00 (\$18,040 PER YEAR) WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO (2) YEARS- TOTAL CONTRACT VALUE OF \$90,200.00

**Recommendation:** Motion to approve Resolution No. 70-24 to award an agreement with J-MAC Cleaning Services, Inc. for Landscape Maintenance of the Gateway Feature along Atlantic Avenue in the estimated initial three-year term amount of \$54,120.00 (\$18,040 per year) and authorize the City Manager to exercise renewal options, in the amounts detailed below, contingent upon appropriation of funds.

**Sponsors:** Parks & Recreation Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[LegalReview\\_ITB 2024-004 Landscape Maintenance\\_Gateway](#)  
[Resolution 70-24 JMAC Gateway updated](#)  
[ITB 2024-004 Agreement JMac Gateway](#)  
[Packet for Bid ITB 2024-004 Final](#)  
[City of Delray 2024-004 Landscape Maintenance Atlantic Ave Gateway](#)

## 7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 82-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS WITH RESPECT TO IN LIEU OF PARKING REQUESTS; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR IN LIEU OF PARKING REQUESTS DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommendation:** Motion to Approve Resolution 82-24.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 82-24](#)  
[Resolution 102-23](#)  
[Resolution 196-23](#)



**7.B. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION LOCAL RULES OF PROCEDURE AND QUASI-JUDICIAL RULES**

**Recommendation:** Motion to Adopt the Local Rules of Procedure and Quasi-Judicial Rules of the Delray Beach City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Local RulesFinal Draft 4-9-24](#)

**7.C. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD**

**Recommendation:** Motion to approve the nomination for an appointment for one (1) regular member to serve on the Police Advisory Board for an unexpired term ending July 31, 2025.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Police Advisory Board](#)  
[Police Advisory Board Attendance 2024](#)  
[Potts](#)  
[Rudowitz](#)  
[Strasser](#)

**7.D. CITY COMMISSION MEETING DATES FOR 2024-25**

**Recommendation:** Motion to approve City Commission Meeting Dates for 2024-25.

**Sponsors:** City Clerk Department

**Attachments:** [2024 - 2025 Commission Meeting Calendar Dates](#)  
[April 2024 – March 2025 Calendar](#)

**7.E. DESIGNATION OF PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) GOVERNING BOARD MEMBER**

**Recommendation:** Motion to appoint a Commission member to serve on the Transportation Planning Agency Board.

**Sponsors:** City Clerk Department

**8. PUBLIC HEARINGS/SECOND READINGS:**

8.A. None

**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.