

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, May 21, 2024

Commission Chambers

Delray Beach City Hall or Watch on YouTube:

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

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. CITY OF DELRAY BEACH, FUTURE WATER TREATMENT PLANT PROGRESS UPDATE PRESENTATION**

Sponsors: Utilities Department

4.B. REVIEW OF VETERAN'S PARK'S PROPOSED PARKING AREA AND EXPANDED PARK AREA IN CONJUNCTION WITH CONSTRUCTION OF ATLANTIC CROSSING, SEQUENCE II

Recommendation: Review and provide direction regarding utilizing Veteran's Park's existing parking area for the construction access and staging of Sequence II of the Atlantic Crossing development, and the design of a permanent new parking area on the north side of Veteran's Park and the ultimate, expanded park space (following completion of Atlantic Crossing).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Veteran's Park: Applicant Request Letter](#)
[Veteran's Park: Applicant Presentation](#)
[Veteran's Park: Proposed Plan](#)
[Veteran's Park: Rendering, Proposed Plan](#)
[Atlantic Crossing Sequence Plan](#)

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:

April 16, 2024 Regular Meeting Minutes - DRAFT
May 7, 2024 Special Meeting (Closed Attorney Client Session) Minutes - DRAFT

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[April 16, 2024 Regular Meeting Minutes - DRAFT](#)
[May 7, 2024 Special Meeting \(Closed Attorney Client Session\) Minutes - DRAFT](#)

6.B. APPROVAL FOR ADDITIONAL SPENDING WITH SAFE 4 PLAY, LLC., CONTRACT NO. R230201 WITH REGION 4 EDUCATIONAL SERVICE CENTER FOR A REVISED TOTAL AMOUNT OF \$71,400.

Recommendation: Motion to approve additional spending on existing Purchase Order No. 2024-0847 with Safe 4 Play, LLC., for playground resurfacing in the total amount of \$71,400.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Safe 4 Play_PO](#)
[Safe4Play Estimate 2687 additionalSpend](#)
[Perfect Turf Contract R230201](#)

6.C. AMENDMENT OF LEASE AGREEMENT FOR SIDEWALK CAFES WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

Recommendation: Motion to approve the Amendment of Lease Agreement for Sidewalk Cafes within the Florida Department of Transportation's right-of-way.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[FDOT - Sidewalk Cafe Amendment 413840-1 FINAL](#)
[Legal Review FDOT - Sidewalk Cafe Amendment 413840-1](#)
[Renewal of Lease Agreement - FDOT Sidewalk Cafes 5.18.2021](#)
[Lease Agreement - FDOT Sidewalk Cafes 7.1.2016](#)

6.D. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 108 NW 4th AVE.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 130 NW 8th AVE.

Recommendation: Consideration of the following items:

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

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of
130 NW 8th Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 108 NW 4th Ave - Niki Mercedes, Mark Teufel, and S](#)

[A1b - Legal Review Right of Way Deed 108 NW 4th Ave - Mercedes, Teufel, an](#)

[A2a - Right of Way Deed - 130 NW 8th Ave - Eliana Miranda and Antonio Fogar](#)

[A2b - Legal Review Right of Way Deed - 130 NW 8th Ave - Eliana Miranda and](#)

6.E. ACCEPTANCE TO APPROVE AND ACCEPT WATER AND SEWER EASEMENT(S) AGREEMENTS FOR TWO (2) UNADDRESSED PARCELS BEARING PROPERTY CONTROL NUMBER PCN: 12-43-46-04-50-012-0000 AND PCN: 12-43-46-04-50-018-0000, AND ALSO ONE (1) PROPERTY LOCATED AT 2215 DELRAY RIDGE LANE, PCN: 12-43-46-04-50-000-0010, DESIGNATED AS DELRAY RIDGE, PALM BEACH COUNTY, FLORIDA, OWNED BY DELRAY RIDGE, LLC.

Recommendation: Motion to approve and accept Water and Sewer Easement(s) Agreements for two (2) unaddressed parcels bearing Property Control Number PCN: 12-43-46-04-50-002-0000 and PCN: 12-43-46-04-50-018-000, and also one (1) property located at 2215 Delray Ridge Lane, PCN: 12-43-46-04-50-000-0010, located in the City of Delray Beach, designated as Delray Ridge, Palm Beach County, Florida, owned by Delray Ridge, LLC.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Legal Review - 3 Water and Sewer Easement Agreements - PCNs 12-43-46-04-](#)

[W&S Easement 12-43-46-04-50-012-0000.pdf](#)

[W&S Easement 12-43-46-04-50-000-0010.pdf](#)

[W&S Easement 12-43-46-04-50-018-0000.pdf](#)

- 6.F.** RESOLUTION NO. 122-24, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO RETROACTIVELY APPROVE CREDITS TO CUSTOMERS OF THE CITY'S WATER UTILITY SYSTEM AS STATED HEREIN; REPEALING ALL RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Staff recommends approval of Resolution No. 122-24.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Utility Credits Resolution 122-24 - Delray Beach V2 Iq rev 5-15-24](#)
[LRC Resolution 122-24](#)
[Reso. 122-24 Exhibit A Credit Refunds v4](#)

6.G. PROCLAMATIONS:

6.G.1. OBSERVANCE OF MEMORIAL DAY

Recommendation: Motion to Observe Memorial Day on May 27, 2024 in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Memorial Day Observance 2024](#)

6.G.2. PROCLAMATION RECOGNIZING JUNE 3-7, 2024 AS CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

Recommendation: Motion to approve June 3-7, 2024 as Code Enforcement Officers' Appreciation Week

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Code Enforcement Officers' Appreciation Week 2024](#)

6.G.3. RECOGNIZING STUDENT AMBASSADORS: KATELYNN FOSTER, EMMA GARCIA-DELGADO, LEAH GREEN, DANIEL HALPERN AND EMILY JOSEPH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Student ambassador proclamation 2024 \(002\)](#)

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

6.H.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM APRIL 23, 2024 THROUGH MAY 17, 2024.

Recommendation: By motion, receive and file this report for actions on development application requests from April 23, 2024 through May 17, 2024.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PAAB \(4-23\) 1874, Bldg D, Facade 1](#)
[PAAB \(4-23\) 1876, Bldg C, Facades 1 and 4](#)
[HPB \(5-1\) 303 SE 7th Avenue](#)
[HPB \(5-1\) Sundy Village Block 61 Landscape](#)

6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. APPROVAL OF RESOLUTION NO. 78-24 TO AWARD A CITY STANDARD AGREEMENT WITH TENCARVA MACHINERY COMPANY, LLC D/B/A HUDSON PUMP & EQUIPMENT COMPANY, FOR THE PURCHASE OF TWO (2) GOULD'S LIME SLURRY PUMPS, FOR THE CITY OF DELRAY BEACH (COB) WATER TREATMENT PLANT (WTP), IN A TOTAL PURCHASE PRICE OF \$101,974 (\$50,987 EACH RESPECTIVELY).

Recommendation: Motion to Approve Resolution No. 78-24 to award a City Standard Agreement with Tencarva Machinery Company, LLC d/b/a Hudson Pump & Equipment Company, for the purchase of two (2) Gould's Lime Slurry Pumps, for the City of Delray Beach (COB) Water Treatment Plant (WTP), in a total purchase price of \$101,974 (\$50,987 each respectively).

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[CS2024-0014 Agreement.docx](#)
[Resolution 78-24 City Standard.docx](#)
[Tencarva Machinery Company City Standard.pdf](#)

- 6.1.2.** APPROVAL OF RESOLUTION NO. 117-24 TO AWARD AN AGREEMENT WITH MICHELIN NORTH AMERICA, INC. FOR TIRES WITH RELATED EQUIPMENT AND SUPPLIES UTILIZING SOURCEWELL CONTRACT NO. 082521-MLN IN THE AMOUNT OF \$586,666.

Recommendation: Motion to approve Resolution No. 117-24 to award an Agreement with Michelin North America, Inc. for Tires with Related Equipment and Supplies utilizing Sourcewell Contract No. 082521-MLN in the amount of \$586,666.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2024-026- Tires with related equipment and supplies \(Michelin\)](#)
[Michelin Legal Review](#)
[Reso No. 117-24](#)
[Sourcewell Pricing 082521-MLN](#)
[Sourcewell Contract 082521-MLN](#)
[Sourcewell RFP 082521](#)

- 6.1.3.** APPROVAL OF RESOLUTION NO. 118-24 TO AWARD SERVICE AUTHORIZATION NO. 10 WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR COASTAL ENGINEERING CONSULTING SERVICES IN THE AMOUNT NOT-TO-EXCEED \$102,489.50

Recommendation: Motion to Approve Resolution No. 118-24 to award Service Authorization No. 10 with Aptim Environmental & Infrastructure, Inc. for Coastal Engineering Consulting Services, including continuing post-construction monitoring for the 2020 storm nourishment project with the annual beach monitoring surveys for the City of Delray Beach's Nourishment Program. (Project No. 17-081), in the amount not-to-exceed \$102,489.50.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[2024 Coastal Services Proposal r1 \(003\)](#)
[Simple Legal Review Approval Aptim Service Authorization](#)
[Reso Service Authorization Aptim Beach Nourishment](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 96-24, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT AND ANY SUBSEQUENT AMENDMENTS AND RENEWALS THERETO WITH PLANTE & MORAN PLLC FOR INTERNAL AUDITOR SERVICES PURSUANT TO RFP 2023-064; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Discussion and direction regarding awarding an agreement with Plante & Moran, PLLC (PM) for internal auditor services pursuant to RFP 2023-064 for an initial three-year term cost of \$293,250.00 with the option to renew for an additional two (2) years - total contract value of \$499,375.00.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Reso 96-24 Plante Moran authority for CM to execute Reso No. 96-24 UPDATED lq rev](#)
[Packet for Bid RFP 2023-064 Final](#)

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

Recommendation: Motion to approve nominations for an appointment for one (1) regular member to serve on the Affordable Housing Advisory Committee.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Affordable Housing Advisory Committee](#)
[2024 Quarterly Attendance](#)
[Adelstein](#)
[Augustin Badet](#)
[Canton](#)
[Cohn](#)
[Dumitrescu](#)
[Olieberg](#)
[Petillo](#)
[Thompson](#)

7.C. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Recommendation: Motion to approve the nomination for one (1) tax-qualified member to serve an unexpired term ending July 1, 2026.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Downtown Development Authority](#)
[DDA Board Attendance 2023-2024](#)
[DDA Map](#)
[Costilo, Alan](#)
[Dockerty, Robert](#)
[Rose, Daniel](#)
[Van Arnem, Harold 3](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 12-24: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.6, "REGULATION OF USES," TO MODIFY TEMPORARY PARKING LOT REGULATIONS TO ALLOW TEMPORARY PARKING LOTS IN GENERAL COMMERCIAL ZONING, LIMITED TO OFF-SITE STORAGE OF AUTOMOTIVE DEALERSHIP VEHICLE INVENTORY; TO RENUMBER TABLE 2.4.3-A to 2.4.6-A AND DESIGNATE THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE USES UNDER A TENT; TO ELIMINATE CITY ENGINEER APPROVAL FOR GRADING PLANS; TO REQUIRE TECHNICAL ADVISORY COMMITTEE REVIEW OF SITE PLANS; TO REQUIRE COMPLIANCE WITH THE SITE PLAN AND ANY CONDITIONS OF APPROVAL PRIOR TO APPLYING FOR PERMIT RENEWAL, AND TO ELIMINATE THE REQUIREMENT FOR THE PARKING MANAGEMENT ADVISORY BOARD TO REVIEW THE SITE PLAN AND RECOMMEND APPROVAL IN ORDER TO PROCEED TO CITY COMMISSION; 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. 12-24, a City-initiated amendment to LDR Section 2.4.6(E)(3) of the Land Development Regulations (LDR) to add General Commercial (GC) zoning as an allowed location for temporary parking lots, limited to the off-site storage of automotive dealership vehicle inventory; to amend the requirements relative to landscaping; and to amend the review and approval process for consistency with Chapter 2 and to eliminate the Parking Management Review Board as a recommending body.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 12-24 Temporary Parking Lots GC](#)
[Map - Existing and Proposed Location of Temporary Parking Lots](#)
[Simple Legal Review Approval, Temporary Parking Lots Ord 12-24](#)
[Proof of Legal Advertisement](#)

- 8.B.** ORDINANCE NO. 11-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," BY ADDING SECTION 96.18, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS" TO REQUIRE DEFIBRILLATORS AND BLEEDING CONTROL KITS THROUGHOUT THE CITY FOR SPECIFIC OCCUPANCIES, OUTLINING INSTALLATION AND OPERATION INCLUDING LOCATION REQUIREMENTS, INSPECTION PROCEDURES, MAINTENANCE AND USE REQUIREMENTS, ENFORCEMENT PROCEDURES, AND PROVIDING DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Staff recommends the approval of the ordinance to increase the safety of our residents, visitors, and business owners. The AED will increase survivability in the case of a cardiac arrest and the bleeding control kits will allow first aid to be rendered prior to the arrival of fire-rescue.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[AED Ordinance kwb 1.22.24](#)
[Ordinance 11-24 AED Amd](#)
[Simple Legal Review Approval AED Ordinance](#)

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.