

# 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 6:00 PM

Tuesday, June 4, 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. PROPOSED EDUCATION GOALS FOR PROGRAM YEAR 2024-2025**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[How Schools are Funded in Florida](#)  
[IROC FY2024 Q3 FINAL](#)  
[DBPS 2023 Benchmark Data](#)  
[Amended Education Board Ordinance \(002\)](#)

**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.A.1. Trajectory For External Public Engagement For Parks Improvement Programming and Implementation.**

**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:

April 30, 2024 Special Meeting Minutes - DRAFT  
May 7, 2024 Regular Meeting Minutes - DRAFT  
May 14, 2024 Workshop Meeting Minutes - DRAFT  
May 21, 2024 Special Meeting Minutes - DRAFT  
May 23, 2024 Special Meeting Minutes - DRAFT

**Sponsors:** City Clerk Department

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

[April 30, 2024 Special Meeting Minutes - DRAFT](#)

[May 7, 2024 Regular Meeting Minutes - DRAFT](#)

[May 14, 2024 Workshop Meeting - DRAFT](#)

[May 21, 2024 Special Meeting Minutes - DRAFT](#)

[May 23, 2024 Special Meeting Minutes - DRAFT](#)

### 6.B. CERTIFICATION OF THE MINOR SUBDIVISION PLAT, "DELRAY COMMONS REPLAT," BEING A REPLAT OF TRACT 2, DELRAY COMMONS, AS RECORDED IN PLAT BOOK 85, PAGE 183 THROUGH 184, INCLUSIVE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

**Recommendation:** Review and consider the minor subdivision plat for the 1.18-acre parcel located at 5070 West Atlantic Avenue.

**Sponsors:** Development Services Department

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

[Delray Commons Replat \(Proposed\)](#)

[Survey, Delray Commons](#)

**6.C. AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH STATE COLLEGE FOR AN EMERGENCY CHILDBIRTH TRAINING PROGRAM HOSTED BY THE FIRE RESCUE DEPARTMENT**

**Recommendation:** Staff recommends that the City enter into an agreement with Palm Beach State College for the purpose of providing on-site emergency childbirth training to department personnel.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[City of Delray Beach Fire Rescue - Emergency Childbirth Training Quote Ver 5.1](#)  
[Legal Review Checklist Training Agreement PBSC](#)  
[City of Delray Beach Fire Rescue - Emergency Childbirth Training Agreement a](#)

**6.D. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR THE MUTUAL USE OF RECREATIONAL FACILITIES**

**Recommendation:** Motion to approve the Interlocal Agreement between the City of Delray Beach and the School Board of Palm Beach County for the mutual use of recreational facilities.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review ILA with School Board for Mutual Use of Recreational Facilities f](#)  
[Delray Beach MU ILA FINAL 5.13.24.pdf](#)

**6.E. REQUEST FOR PERMISSION TO APPLY FOR REIMBURSABLE SUMMER CAMP SCHOLARSHIP PROGRAM THROUGH PALM BEACH COUNTY YOUTH SERVICES DEPARTMENT AND RECEIVE PAYMENTS BASED UPON THE PROGRAM ELIGIBILITY GUIDELINES**

**Recommendation:** Motion to grant approval for Parks and Recreation to apply for a reimbursable summer camp scholarship program through Palm Beach County Youth Services Department (YSD) and if approved, to receive payments based upon the program eligibility guidelines.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Approval- Summer Camp Scholarship Application 2024.pdf](#)  
[PBCYTH SUMCP SCH 2024\\_application.pdf](#)

**6.F. APPROVAL FOR ADDITIONAL SPENDING AUTHORITY WITH CHENEY BROTHERS INC. FOR FOOD PRODUCTS FOR RE-SALE AT THE DELRAY BEACH MUNICIPAL GOLF CLUB IN AN AMOUNT NOT TO EXCEED \$85,000**

**Recommendation:** Motion to approve additional spending by \$40,000 with Cheney Brothers, Inc. for a cumulative spending total in an amount not to exceed \$85,000 for food products for re-sale at the Delray Beach Municipal Golf Club.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Cheney PO Increase Neni.pdf](#)

**6.G. APPROVAL OF REQUESTS FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND (LETF) FOR FISCAL YEAR 2023-2024**

**Recommendation:** Motion to approve requests for funding from the Law Enforcement Trust Fund (LETF) for fiscal year 2023-2024 pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[1. 211 Palm Beach.Treasure Coast, Inc. partially executed](#)  
[2. Gulf Stream Council of Boy Scouts of America, Inc. partially executed](#)  
[3. Crime Stoppers of Palm Beach County, Florida, Incorporated partially executed](#)  
[4. Knights of Pythagoras Mentoring Network, Inc. partially executed](#)  
[5. Community Child Care Center of Delray Beach, Inc. partially executed](#)  
[6. Omega Uplifts Foundation, Inc. partially executed](#)  
[7. GBDC Entrepreneurship Institute Inc. partially executed](#)  
[8. Sweet Dream Makers partially executed](#)  
[Legal Review Checklist LETF Funding Agreements](#)

**6.H. RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF APRIL 22, 2024, AND APPROVAL OF THEIR FY2024/2025 PROPOSED BUDGET.**

**Recommendation:** Motion to ratify actions approved by South Central Regional Wastewater Treatment and Disposal Board (Board) at their quarterly meeting held on Monday, April 22, 2024.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[24-0429\\_Simple Legal Review Approval Ratification of South Central Regional](#)  
[Authorized Budget FY2025.pdf](#)  
[FY2025 Delray Beach Ratification.pdf](#)

**6.I. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF STEPHEN WINFIELD V. THE CITY OF DELRAY BEACH**

**Recommendation:** Motion to approve settlement for the reasons discussed in the confidential memo previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

**6.J. PROCLAMATIONS:**

**6.J.1. GUN VIOLENCE AWARENESS DAY PROCLAMATION**

**Recommendation:** Motion to declare the first Friday in June to be National Gun Violence Awareness Day in the City of Delray Beach.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Gun Violence Awareness Day](#)

**6.J.2. PROCLAMATION LGBTQ PRIDE MONTH**

**Recommendation:** Motion to declare the month of June as LGBTQ Pride Month.

**Sponsors:** Parks & Recreation Department

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

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

6.K.1. None

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

**6.L.1. APPROVAL OF RESOLUTION NO. 106-24 TO AWARD A CITY STANDARD AGREEMENT WITH RECTRAC, LLC DBA VERMONT SYSTEMS, INC., TO PURCHASE PARK AND RECREATION MANAGEMENT SOFTWARE IN THE AMOUNT OF \$217,257.45**

**Recommendation:** Motion to approve Resolution No. 106-24 to award a City Standard Agreement with Rectrac, LLC DBA Vermont Systems, Inc., to purchase park and recreation management software in the amount of \$217,257.45

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist paytrac.pdf](#)  
[Paytrac\\_ServiceAgmt\\_2024.pdf](#)  
[Res No. 106-24 4.24.24](#)  
[CS2024-002 Vermont System - signed](#)

**6.L.2. APPROVAL OF RESOLUTION NO. 111-24 AWARD A CITY STANDARD AGREEMENT (CS2024-016) WITH PROPLOGIX LLC, D/B/A ORANGE DATA SYSTEMS FOR LIEN SEARCH SERVICES ESTIMATED TO GENERATE \$228,000 IN REVENUE TO THE CITY ANNUALLY.**

**Recommendation:** Motion to Approve Resolution No. 111-24 to award a City Standard Agreement to PropLogix LLC, d/b/a Orange Data Systems for lien search services estimated to generate \$228,000 in revenue to the City annually (\$19,000 per month).

**Sponsors:** City Clerk Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Proplogix](#)  
[Resolution Proplogix](#)  
[CS2024-0016 Agreement](#)  
[CS2024-016 Title and Lien Search Services - Signed](#)

**7. REGULAR AGENDA:**

**7.A. ACCEPTANCE OF A SHARED DUMPSTER AGREEMENT BETWEEN 301 NE 3RD AVENUE (CHAZMONTI LLC) AND 319 NE 3RD AVENUE (BIG B INVESTMENTS LLC) FOR THE PURPOSE OF ACCOMMODATING TRASH DISPOSAL FOR TWO FULL SERVICE RESTAURANTS**

**Recommendation:** Review and consider acceptance of a Shared Dumpster Agreement between 301 NE 3rd Avenue (Chazmonti LLC) and 319 NE 3rd Avenue (Big B Investments LLC).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Shared Dumpster Tri Party Agreement](#)  
[319 NE 3rd Avenue - Proposed Site Plan with Dumpster Location](#)  
[Simple Legal Review Approval Dumpster Agreement](#)



- 7.B.** RESOLUTION NO. 116-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE 36th ANNUAL DOWNTOWN DELRAY BEACH FESTIVAL OF THE ARTS TO BE HELD JANUARY 11-12, 2025; AUTHORIZING THE CLOSURE OF WEST ATLANTIC AVENUE FROM NW 5TH AVENUE TO SWINTON AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Recommendation:** Review and consider Resolution No 116-24, approving an impact event known as the 36th Annual Downtown Delray Beach Festival of The Arts which would include the closure of West Atlantic Avenue from NW 5th Avenue to Swinton Avenue.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Reso 116-24 final Iq](#)  
[H Alan Jan 2025 Application](#)  
[Site Map H Alan Atlantic Ave](#)  
[Impact Event Resolution Legal Review](#)

- 7.C.** MOTION TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC. FOR CONTINUATION OF THE BUS SHELTER PROGRAM FOR TWO YEARS.

**Recommendation:** Motion to approve the Memorandum of Understanding between the City of Delray Beach and the Delray Chamber Education Fund, Inc. for continuation of the Bus Shelter Program for two years.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[MOU Iq rev 5-16-24](#)  
[Exhibit A to 2024 Bus Shelter MOU w-DCEF](#)  
[Simple Legal Review Bus Shelter MOU 5-16-24](#)

- 7.D.** FOLLOW-UP DIRECTION GUIDANCE AND CONSIDERATIONS REGARDING EXTERNAL PARTNERS FOR THE CREST THEATRE BUILDING

**Sponsors:** City Manager Department

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

- 8.A.** APPROVAL OF RESOLUTION NO. 121-24 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, ADOPTING A WATER FACILITY PLAN (WFP) FOR A FUTURE WATER TREATMENT PLANT, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), STATE REVOLVING FUND (SRF); AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommendation:** Motion to approve Resolution No. 121-24 of the City Commission of the City of Delray Beach, adopting a Water Facility Plan (WFP) for a future Water Treatment Plant, relating to the Florida Department of Environmental Protection (FDEP), State Revolving Fund (SRF); authorizing the City Manager to take any and all actions necessary to effectuate the intent of this resolution; providing an effective date; and for other purposes.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Res 121-24 - Facility Plan for WTP.docx](#)  
[Res 121-24 Adopting Facility Plan for WTP.docx](#)  
[Draft Facilities Plan 2024\\_05\\_15.pdf](#)

## 9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 18-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING "POLICE OFFICERS' RETIREMENT SYSTEM," SECTION 33.65, "ADMINISTRATION"; AMENDING "FIREFIGHTERS' RETIREMENT SYSTEM," AND SECTION 33.79, "ADMINISTRATION" TO PROVIDE FOR STAGGERED TERMS FOR TRUSTEES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.(FIRST READING)

**Recommendation:** Staff recommends approval of Ordinance No. 18-24 on first reading.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance 18-24 Amending Chapter 33 Staggered Terms for Trustees](#)  
[Ordinance 18-24 Staggered Terms](#)  
[Ordinance 18-24 Staggered Trustee terms BIE](#)

## 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.