

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 6:00 PM

Tuesday, July 16, 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. None

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. CARON FOUNDATION SETTLEMENT PRESENTATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Accumulated Transaction - 2024-06-27 Education Grant Expenditures FY17-24](#)
[Caron Foundation Settlement](#)
[Caron Foundation Payment History](#)
[City of Delray School Grant Amendments](#)
[Caron Foundation Settlement](#)

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. APPROVAL OF PARKING FACILITY EASEMENT AGREEMENT AND PROJECT COVENANT**

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[PX - Delray Parking Facility Agreement Final, signed by SVW, pending Lender](#)
[Legal Review Approval Sundry Parking Garage](#)

6.B. OFF-SITE PARKING AGREEMENT FOR 324 NE 3rd AVENUE

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Tri-Party Offsite Parking Agreement 2024_ 325 NE 3rd Ave](#)
[324 NE 3rd Avenue - Location Map](#)
[Legal Review Tri-Party Offsite Parking Agreement - 324 and 325 NE 3rd Avenue](#)

6.C. ACCEPTANCE OF A MASS TRANSIT EASEMENT AGREEMENT FOR THE PROPERTY LOCATED AT 318 SE 5TH AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Bus Shelter Agreement Final](#)
[Final SPRAB Report - 3.23.23](#)
[Legal Review Mass Transit Easement Agreement - 318 NE 5th Ave - 318 NE 51](#)

6.D. ACCEPTANCE OF TWO LANDSCAPE MAINTENANCE AGREEMENTS FOR IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY ON SE 1ST AVENUE, SE 1ST STREET, AND SWINTON AVENUE ASSOCIATED WITH THE PROJECT KNOWN AS SUNDY VILLAGE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Landscape Maintenance Agreement-Block 69-Sundy Village West LLC](#)
[Landscape Maintenance Agreement-Block 70-Sundy Village West LLC](#)
[Legal Review Landscape Maintenance Agreement-Block 69-Sundy Village Wes](#)
[Legal Review Landscape Maintenance Agreement-Block 70-Sundy Village Wes](#)

6.E. RESOLUTION NO. 150-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ISSUANCE OF A PURCHASE ORDER TO DAN ENTERPRISES TEAM, LLC, FOR HOME REHABILITATION CONSTRUCTION SERVICES FOR THE CITY OF DELRAY BEACH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, PURSUANT TO QUICK QUOTE NO. 2024-009; 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: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Legal Review Res 150-24 - Quick Quote 2024-009 - Dan Enterprises Team - Hc](#)
[Res 150-24 - Quick Quote 2024-009 - Dan Enterprises Team - Home Rehabilita](#)
[Bid Information Sheet FINAL](#)
[CDBG Lien Agreement - Powell](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)
[Subordination Policy Agreement](#)
[Q 2024-009 - Department Concurrence Packet Agenda](#)

- 6.F.** RESOLUTION NO. 151-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ISSUANCE OF A PURCHASE ORDER TO DAN ENTERPRISES TEAM, LLC, FOR HOME REHABILITATION CONSTRUCTION SERVICES FOR THE CITY OF DELRAY BEACH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PURSUANT TO QUICK QUOTE NO. 2024-010; 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: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Legal Review Res 151-24 - Quick Quote 2024-010 - Dan Enterprises Team - Hc](#)

[Res 151-24 - Quick Quote 2024-010 - Dan Enterprises Team - Home Rehabilita](#)

[Bid Information Sheet Charles](#)

[CDBG Lien Agreement -Charles FINAL Redacted](#)

[Memorandum of Understanding](#)

[Notice to Proceed](#)

[Subordination Agreement](#)

[Q 2024-010 - Department Concurrence Approval Packet Agenda](#)

- 6.G.** APPLICATION AND APPROVAL FOR PEDESTRIAN & BICYCLE SAFETY PROGRAM

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[DRAFT 20240617 Ped-BikeProgram Delray Beach PD](#)

[Legal Review Checklist_24_25 Bicycle and Pedestrian Safety Grant](#)

- 6.H.** APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING FOR ENLARGEMENT OF VEHICULAR STORAGE - FY 2023-2024

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[FY24 CRA ILA Vehicular Storage Area](#)

[Legal Review ILA CRA Vehicular Storage at OSS Garage](#)

- 6.I.** ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 245 SE 4th AVE.

ITEM(S) B1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 143 S SWINTON AVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[A1a - Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc](#)
[A1b - Legal Review Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc](#)
[B1a - Right of Way Deed - 143 S Swinton Ave - Nigel Development Inc](#)
[B1b - Legal Review Right of Way Deed - 143 S Swinton Avenue - Nigel Developo](#)

6.K. PROCLAMATIONS:

6.K.1. PROCLAMATION: NEXT GENERATION INITIATIVES DAY - THE NEXT GENERATION INITIATIVES IS A CITY OF DELRAY BEACH PROGRAM SET TO INSPIRE GOVERNMENT INNOVATION BY DEVELOPING THE TALENT PIPELINE OF THE NEXT GENERATION OF GOVERNMENT LEADERS. THE CITY OF DELRAY BEACH ENCOURAGES STUDENTS TO PURSUE OUR INTERNSHIP, SHADOW DAY, VOLUNTEER AND APPRENTICESHIP PROGRAMS WHERE STUDENTS TAKE THE OPPORTUNITY TO DEVELOP A VARIETY OF SKILLS AND EXPERIENCE NECESSARY TO START A CAREER IN LOCAL GOVERNMENT.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Proclamation_Next Generation Initiative_2024](#)

6.K.2. "RONALDINHO" FIT BODIES, FIT MINDS DAY PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[RONALDINHO proclamation](#)

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

6.L.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM JUNE 10, 2024 THROUGH JUNE 28, 2024.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPRAB \(6-26\) Drutau Retail](#)
[Admin Approval - 319 NE 3rd Avenue](#)

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. APPROVAL OF RESOLUTION NO. 95-24 APPROVING AN AGREEMENT WITH LEXISNEXIS RISK SOLUTIONS FL INC. FOR PUBLIC SAFETY INVESTIGATIONS SUBSCRIPTION SERVICES, UTILIZING STATE OF NEW YORK CONTRACT #PC69933 IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$110,000

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_LexisNexis Risk Solutions](#)
[Vendor Signed- P2024-029](#)
[Delray Beach PD - Accurint TraX ScheduleA - 2024](#)
[Resolution No 95-24 -LexisNexis Risk Solutions FL Inc piggyback agreement 20](#)
[4. Solicitation 23260- Books, Serials, Databases and Library Resource Manage](#)

6.M.2. APPROVAL OF RESOLUTION NO. 110-24 TO AWARD AN AGREEMENT WITH SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR CONSTRUCTION OF GENERAL STORMWATER INFRASTRUCTURE UTILIZING CITY OF FORT LAUDERDALE INVITATION TO BID NO. 12504-613 IN THE AMOUNT OF \$3,234,624

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Stormwater Infrastructure Legal Review](#)
[P2024-034 Agreement - Vendor Signed](#)
[Resolution 110-24](#)
[Packet for Bid 12504-613 FINAL](#)
[Signed Agreement](#)
[Second Renewal Letter](#)

6.M.3. APPROVAL OF RESOLUTION NO. 130-24 TO AWARD AN AGREEMENT TO CJ CONTRACTING, LLC. FOR CONSTRUCTION SERVICES FOR THE MEMORIAL GARDENS MAUSOLEUM EXPANSION PROJECT (PUBLIC WORKS PROJECT NO. 23-008) PURSUANT TO INVITATION TO BID CONSTRUCTION (ITBC) 2023-082 IN THE AMOUNT OF \$2,875,010.00

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[ITBC 2023-082 Memorial Gardens Mausoleum expansion - CJ Contracting LLC](#)
[Legal Review Checklist ITBC 2023-082 Memorial Gardens Mausoleum expansi](#)
[Res 130-24 ITBC 2023-082 Memorial Gardens Mausoleum expansion - CJ Con](#)
[Tabulation Packet for ITBC 2023-082](#)
[Packet for Bid ITBC 2023-082 Final](#)

6.M.4. APPROVAL OF RESOLUTION NO. 139-24 TO AWARD AN AGREEMENT WITH MOCK, ROOS & ASSOCIATES, INC. FOR CONSTRUCTION ENGINEERING, AND INSPECTION SERVICES FOR THE THOMAS STREET STORMWATER PUMP STATION REPLACEMENT PROJECT (PUBLIC WORKS PROJECT NO. 18-017), PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2023-048 IN THE AMOUNT OF \$1,398,082.00.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement RFQ 2023-048 - CEI Thomas Street Pump Station - Mock Roos](#)
[Exhibit A - Scope of Work RFQ 2023-048 - CEI Thomas Street Pump Station - M](#)
[Exhibit B - Fee Proposal - RFQ 2023-048 - CEI Thomas Street Pump Station - M](#)
[Legal Review Checklist RFQ 2023-048 - CEI Thomas Street Pump Station - Mo](#)
[Res 139-24 - RFQ 2023-048 - CEI Thomas Street Pump Station - Mock Roos](#)
[Tabulation Packet for RFQ 2023-048](#)
[Packet for Bid RFQ 2023-048 Final](#)

6.M.5. APPROVAL OF RESOLUTION NO. 105-24 APPROVING AN AGREEMENT WITH JOHNSON-DAVIS, INC., FOR THE PURPOSE OF REPAIRS AND/OR EMERGENCY SERVICES ON AN "AS-NEEDED BASIS", FOR WATER DISTRIBUTION AND WASTEWATER COLLECTION UTILITY SERVICES, UTILIZING THE CITY OF LAKE WORTH BEACH SOLICITATION NO. IFB #20-106, IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$300,000.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Emergency Utility Repairs LR.pdf](#)
[Resolution 105-24.pdf](#)
[IFB 20-106 Emergency Utility Repairs for Water Wastewater and Stormwater 1](#)
[Johnson-Davis - Agreement Emergency Utility Repairs Water](#)
[Johnson-Davis, Inc - 1st amendment to agreement](#)
[Johnson-Davis Inc Amendment 2 Water \(1\)](#)
[Johnson Davis Amendment 3 Water](#)
[P2024-032 Emergency Utility Repairs vendor executed.pdf](#)

7. REGULAR AGENDA:

7.A. FISCAL YEAR 2024-25 PROPOSED MILLAGE RATE

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2024 TaxRoll Preliminary Media](#)

7.B. FISCAL YEAR 2024-25 PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[FY24-25 DDA Millage Levy Memo for CC 7.16.24](#)

7.C. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A](#)
[Green Implementation Advancement Board](#)
[Ferguson](#)
[Jones, Adam](#)
[Lembovski](#)
[O'Connor, Christine](#)
[Orellana, Evan](#)
[Seaman, Heather](#)

7.D. NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

- Sponsors:** City Clerk Department
- Attachments:** [Agenda Cover Report](#)
[Exhibit A](#)
[Public Art Advisory Board](#)
[Public Art Advisory Board Attendance](#)
[Amedeo](#)
[Bennett](#)
[Blumenfeld](#)
[Cianciotto, Daniel](#)
[Jones, Adam](#)
[Kaplan](#)
[Lakritz](#)
[Sherman, Andrea](#)

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

- Sponsors:** City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[DDA Board Member List](#)
[DDA Board Attendance](#)
[DDA Map](#)
[Alper, Gregg](#)
[Amedeo, James](#)
[Benson, Mavis](#)
[Blumenfeld](#)
[Cohn, Damara](#)
[Costilo, Alan](#)
[Denkler, Mark](#)
[Dockerty](#)
[Fredericks, Carol](#)
[Grimes](#)
[Jones, Adam](#)
[Kaufman](#)
[Kiser, Mereida](#)
[Leish](#)
[Likosar, Shelly](#)
[Nelson](#)
[O'Connor, Christine](#)
[Platt](#)
[Rose, Daniel](#)
[Salzman](#)
[Sylvester](#)
[Walden, George](#)

7.F. AMENDMENT TO LOCAL RULES OF PROCEDURE

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Local Rules \(incl Code of Conduct\) 7-16-24 agenda](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. APPROVAL OF RESOLUTION 146-24: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Res 146-24 for Stormwater Utility Assessment rev. kwb](#)
[Exhibit A to Resolution No. 146-24](#)
[Simple Legal Review Approval Stormwater Utility Assessment](#)
[2024 NAV-Delray Beach assessed parcels](#)
[2024 NAV-Delray Beach-Data to PBC](#)
[Certificate to Non-Ad Valorem Assesment Roll](#)
[Notice of Public Hearing - SW Tax Assessment 7.5.2024](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 21-24: 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 2.6, "NOTICE REQUIREMENTS," SECTION 2.6.3, "REQUIRED PUBLIC NOTICE," BY ENACTING A NEW SUBSECTION (H), "WAIVERS" TO ADD PUBLIC NOTICE REQUIREMENTS FOR WAIVER REQUESTS THAT REQUIRE CITY COMMISSION APPROVAL, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Staff Report, Waiver Notice Requirements](#)
[Ord. No. 21-24 Notice Requirements for Waivers](#)
[Business Impact Estimate - Ord. No. 21-24](#)
[Simple Legal Review Approval Ord 21-24](#)

- 9.B.** ORDINANCE NO. 25-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", BY AMENDING SECTION 32.26, "COMPOSITION; APPOINTMENT; TERMS" TO REDUCE THE NUMBER OF THE EDUCATION BOARD MEMBERS FROM 13 MEMBERS TO 7 REGULAR MEMBERS; BY AMENDING SECTION 32.28. "QUALIFICATIONS OF MEMBERS" TO UPDATE THE QUALIFICATIONS BY REQUIRING BOARD MEMBERS TO BE EITHER A PARENT OR EDUCATOR FROM EACH OF THE DELRAY BEACH PUBLIC SCHOOLS; BY AMENDING SECTION 32.29, "DUTIES AND RESPONSIBILITIES" TO UPDATE THE PURPOSE OF THE BOARD; PROVIDING A SAVINGS CLAUSE, GENERAL REPEALER CLAUSE; AND AN EFFECTIVE DATE. (FIRST READING)

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[BIE--Ordinance 25-24 \(Education Board\) SIGNED](#)
[Ordinance Legal Review Form Ord 25-24 Amending Education Board Composi](#)
[Ord 25-24 Amending Education Board Ordinance 7.1.24](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**A. City Manager****10.A.1** Direction on Opioid Litigation Funds

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Sponsors: City Manager Department

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.