

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, October 1, 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.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:

September 16, 2024 - Final Budget Public Hearing/Regular Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[September 16, 2024 Final Budget Public Hearing - Regular Meeting Minutes - D](#)

6.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 Rules \(incl public comment during wksp\) 10-1-24 agenda](#)

6.C. APPROVAL OF AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH DOWNTOWN DEVELOPMENT AUTHORITY

Recommendation: Motion to Approve Amendment No. 3 to the Interlocal Agreement Between the City of Delray Beach and the Delray Beach Downtown Development Authority.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Amendment No. 3 to the Interlocal Agt. Between the City of Delray Beach and t](#)
[Amend No 3 to ILA with DDA](#)

6.D. APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

Recommendation: Staff recommends the approval of the Letter of Agreement (LOA) with AHCA to facilitate additional reimbursement of Medicaid dollars for providing emergency medical transportation to individuals covered by Medicaid's Managed Care Organizations.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[PEMT SFY 24-25 LOA Delray Beach Fire Rescue clean](#)
[Year 6 PEMT MCO Preliminary Model 8.20.24](#)
[Legal Review Checklist Public Emergency Medical Transportation Letter of Agr](#)

6.E. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to approve application for the FY 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of \$ \$31,034.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[disclosure 2024 with signature blocks](#)
[local-jag-ce-certification 2024 with signature blocks](#)
[certifications 2024](#)
[standardassurances 2024](#)
[Program Narrative - JAG 2024 - DBPD](#)
[Legal Review Form JAG LW 24](#)

6.F. APPROVAL OF A TRI-PARTY AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY FOR SURFACE CROSSING WORK AT CROSSING NUMBER 628159H, ALSO IDENTIFIED AS 10TH STREET, ALONG THE SOUTH FLORIDA RAIL CORRIDOR

Recommendation: Motion to Approve a Tri-Party Agreement with the Florida Department of Transportation (FDOT) and the South Florida Regional Transportation Authority (SFTRA) for Surface Crossing Work at 10th Street along the South Florida Rail Corridor (SFRC).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[10th Street_Lowson Blvd - City of Delray Beach Draft Agreement 6-2024 clean](#)
[OOM - SW 10th St - 628159H MP 988.63 4.11.24](#)
[Simple Legal Review Approval 10TH Street and Lowson](#)

6.G. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 603 ANDREWS AVE.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 310 NE 1ST AVE.

ITEM(S) B1 - ACCEPTANCE OF AN UNDERGROUND EASEMENT BY CITY OF DELRAY BEACH

Recommendation:

Consideration of the following items:

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of
603 Andrews Ave.

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of
310 NE 1st Ave.

Item B1 - Motion to approve and accept an Underground Easement by the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[A1a - Right of Way Deed - 603 Andrews Ave - The Michael Provenzano Trust](#)
[A1b - Legal Review Right of Way Deed - 603 Andrews Ave - the Michael Provenzano Trust](#)
[A2a - Right of Way Deed - 310 NE 1st Ave - Joeseeph and Susan Wagman - re-located](#)
[A2b - Legal Review Right of Way Deed - 310 NE 1st Avenue - Joseph and Susan Wagman](#)
[B1a - Easement Underground - FPL - unaddressed parcel at NW 8th Ave and E 8th St](#)
[B1b - Legal Review FPL Underground Easement - unaddressed parcel at NW 8th Ave and E 8th St](#)

6.H. ITEM A1 - ACCEPTANCE OF A SEWER EASEMENT FOR 13029 BARWICK ROAD.

Recommendation: Consideration of the following item Utility Easement Item A1 for 13029 Barwick Road.

Item A1 - Motion to approve and accept a Sewer Easement for new sanitary sewer piping Dedication by the owner(s) of 13029 Barwick Road to the City of Delray Beach.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Sewer Easement Bexley Park.pdf](#)

6.I. PROCLAMATIONS:

6.I.1. PROCLAMATION FOR FLORIDA CLIMATE WEEK 2024

Recommendation: Motion to declare October 7 - 13, 2024 as Florida Climate Week.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[CDB FCW 2024 proclamation II](#)

6.I.2. INDIGENOUS PEOPLES DAY - OCTOBER 14, 2024

Recommendation: Motion to declare and observe Monday, October 14, 2024 as Indigenous Peoples Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Indigenous People's Day Proclamation 2024](#)

6.I.3. PEDESTRIAN SAFETY MONTH PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Pedestrian Safety Month 2024](#)

6.I.4. PROCLAMATION FOR FIRE PREVENTION MONTH 2024

Recommendation: Motion to proclaim October 2024 as Fire Prevention Month.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2024 Fire Prevention Month Proclamation](#)

6.I.5. PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[National Community Planning Month 2024](#)

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1.** APPROVAL OF RESOLUTION NO. 170-24 TO AWARD AN AGREEMENT TO DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL AND DISPOSAL IN A TOTAL AMOUNT NOT TO EXCEED \$3,003,750 (\$600,750 RESPECTIVELY PER YEAR), VALID THROUGH SEPTEMBER 30, 2029.

Recommendation: Motion to approved Resolution No. 170-24 to award an agreement to Dev-Land Demolition & Site, Inc., for lime sludge removal and disposal in a total amount not to \$3,003,750 (\$600,750 respectively per year), valid through September 30, 2029.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - Dry Lime Slud](#)
[Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - Dry Lime Slud](#)
[Res 170-24 - Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - I](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 176-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO UTILIZE THE ART DECO ARCHITECTURAL STYLE FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 176-24, a request to allow the Art Deco architectural style for the project located at 306 NE 2nd Street, known as The Maxwell.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 176-24 Architectural Style](#)
[The Maxwell: Staff Report - Architectural Style](#)
[The Maxwell: Architectural Style Narrative](#)
[The Maxwell: Architectural Style Detail Justification](#)
[The Maxwell: Site Plans and Architectural Elevations](#)
[Legal Review Resolution No. 176-24 Architectural Style](#)

7.B. RESOLUTION NO. 177-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(E)(2)(a) OF THE LAND DEVELOPMENT REGULATIONS ALLOWING A STREETScape WIDTH OF 11 FEET 2 INCHES FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

RESOLUTION NO. 178-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)1. OF THE LAND DEVELOPMENT REGULATIONS ALLOWING NO FRONT SETBACK FOR A PORTION OF THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

RESOLUTION NO. 179-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(G)(1)(b) OF THE LAND DEVELOPMENT REGULATIONS REDUCING THE REQUIRED CIVIC OPEN SPACE FROM 841 SQUARE FEET TO 778 SQUARE FEET FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommendation: Review and consider three separate requests for project located at 306 NE 2nd Street, known as The Maxwell: Resolution No. 177-24, a request to allow a streetscape width of 11 feet and 2 inches whereas 15 feet is the required; Resolution No. 178-24, a request to allow a front setback of zero feet whereas 10 feet is the required; and Resolution No. 179-24, a request to reduce the civic open space requirement from 841 sq. ft. to 778 sq. ft.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 177-24 Streetscape Width Waiver](#)
[Res. No. 178-24 Setback Waiver](#)
[Res. No. 179-24 Civic Open Space Waiver](#)
[The Maxwell: Staff Report - CBD Waivers](#)
[The Maxwell: Waiver Justification - Streetscape](#)
[The Maxwell: Waiver Justification - Corner Front Setback](#)
[The Maxwell: Waiver Justification - Civic Space Setback](#)
[The Maxwell: Site Plans and Architectural Elevations](#)
[The Maxwell: DDA Recommendation](#)
[Legal Review Resolution No. 177-24 Streetscape Width Waiver](#)
[Legal Review Resolution No. 178-24 Setback Waiver](#)
[Legal Review Resolution No. 179-24 Civic Open Space Waiver](#)

- 7.C.** RESOLUTION NO. 192-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL PURSUANT SECTION 5.3.1(A)(7) OF THE LAND DEVELOPMENT REGULATIONS; GRANTING A REDUCTION IN RIGHT OF WAY WIDTH FOR SE 8TH STREET AND ELIMINATING THE REQUIRED RIGHT-OF-WAY DEDICATION FOR THE PROPERTY LOCATED AT 731 SE 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 192-24, of an appeal to Land Development Regulations (LDR) Section 5.3.1(A) to allow a reduction of a right-of-way along the north side of SE 8th Street associated with the property located 731 SE 4th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 192-24: 731 SE 4th Avenue ROW Reduction Appeal](#)
[731 SE 4th Avenue: DSMG Staff Report](#)
[731 SE 4th Avenue: Applicant Appeal Letter](#)
[731 SE 4th Avenue: Applicant Justification](#)
[731 SE 4th Avenue: Location Map](#)
[731 SE 4th Avenue: Osceola Park Plat](#)
[731 SE 4th Avenue: Survey](#)
[Simple Legal Review Approval Resolution 192-24](#)

- 7.D.** RESOLUTION 194-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN AN AMOUNT NOT TO EXCEED \$8,000.00 FOR THE SPECIAL EVENT KNOWN AS MUSCLE ON THE BEACH TO BE HELD ON MARCH 1, 2025; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Recommendation: Review and consider Resolution 194-24, authorizing a Special Event Sponsorship in an amount not to exceed \$8,000 for the special event known as Muscle on the Beach to be set up and held on March 1, 2025; authorizing the City Manager to take all actions necessary to effectuate the intent and for other purposes.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Muscle on the Beach Sponsorship Packet](#)
[Sponsorship Resolution for Muscle on the Beach](#)
[Special Events Sponsorship Resolution Muscles on the Beach LR](#)
[Special Events Application 2025](#)
[Muscle On the Beach Cost](#)

7.E. CONSIDERATION OF CITY MANAGER'S MERIT INCREASE PURSUANT TO CONTRACT

Recommendation: Motion to consider the City Manager's salary review.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[City Managers 2024 Eval Form](#)

7.F. NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES' RETIREMENT FUND COMMITTEE. BASED ON THE ROTATION SYSTEM, AN APPOINTMENT TO SERVE A TERM ENDING SEPTEMBER 30, 2028, WILL BE MADE BY DEPUTY VICE-MAYOR LONG (SEAT #2).

Recommendation: Motion to approve an appointment for one (1) regular member to serve a term ending September 30, 2028.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[General Employees Retirement Fund Committee Current Members](#)
[2024 Qtrly Retirement Committee Mtg Attendance - GE](#)
[Exhibit A - General Employees 10.1.24](#)
[Dickson, Henry](#)
[Fannon, Luke](#)
[MacManus, Thomas](#)

7.G. NOMINATIONS FOR APPOINTMENTS TO THE BOARD OF TRUSTEES FOR THE POLICE RETIREMENT SYSTEMS BOARD. BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF THREE (3) YEARS ENDING OCTOBER 31, 2027, WILL BE MADE BY COMMISSIONER BURNS (SEAT #4). BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF FOUR (4) YEARS ENDING OCTOBER 31, 2028, WILL BE MADE BY MAYOR CARNEY (SEAT #5).

Recommendation: Motion to approve the nominations for appointments for two (2) regular members to serve on the Board of Trustees for the Police Retirement Systems Board.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Board of Trustees' Police Current Members](#)
[2024 Qtrly Bd Mtg Attendance - POLICE](#)
[Exhibit A - Police 10.1.24](#)
[Alper, Gregg](#)
[Crossan, Daniel](#)
[Luke Fannon](#)
[Finkel, Andrew](#)
[Glanfield, Thomas](#)
[Hoesley, James](#)
[Kirschenbaum, Alan](#)
[Privitera, Scott](#)
[Weber, Paul - Redacted](#)

- 7.H. NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS RETIREMENT SYSTEM BOARD. BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF THREE (3) YEARS ENDING OCTOBER 31, 2027, WILL BE MADE BY COMMISSIONER BURNS (SEAT #4). BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF FOUR (4) YEARS ENDING OCTOBER 31, 2028, WILL BE MADE BY MAYOR CARNEY (SEAT #5).

Recommendation: Motion to approve nominations for appointments for two (2) regular members to serve on the Board of Trustees for the Firefighters' Retirement System Board.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Board of Trustees' Firefighters Current Members](#)
[2024 Qtrly Bd Mtg Attendance - FIRE](#)
[Exhibit A - Fire 10.1.24](#)
[Crossan, Daniel](#)
[Fannon, Luke](#)
[Finkel, Andrew](#)
[Glanfield, Thomas](#)
[Kirschenbaum, Alan](#)
[Vedder, Jim 2](#)
[Warner, Jack](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 26-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2024-25 TO FY 2028-29 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1 AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 26-24, adopting the 5-Year Capital Improvement Plan for FY 2024-25 through FY 2028-29 and the FY 2024-25 Capital Improvement Budget into the Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, FY 24-25 CIP](#)
[Ordinance No. 26-24, FY 24-25 CIP](#)
[Exhibit A: Ordinance No. 26-24](#)
[Business Impact Estimate, Ordinance No. 26-24](#)
[Legal Review, Ordinance No. 26-24](#)
[Proof of Legal Ad, Ordinance No. 26-24](#)

8.B. ORDINANCE NO. 02-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER". (SECOND READING)

Recommendation: Consider Ordinance No. 02-24, a City initiated Amending the code of Ordinances, Title 5, "Public Works," Chapter 52, "WATER," Section 52.03, "USE OF WATER FROM HYDRANTS," updating the Title of the applicable Department, increasing the fees for meter installation and removal, and requiring the applicant to be financially responsible for any damage to the meter; Amending Section 52.07, "LANDSCAPE IRRIGATION," updating the definitions to reference the correct Florida Administrative Code Rule; Amending Section 52.16, "TESTING OF METERS," updating the title of the applicable Department and clarifying existing language; Amending Section 52.39, "OTHER FEES," updating the title of the applicable Department and clarifying the method of calculating inspection fees; Amending Section 52.82, "DEFINITIONS," updating the title of the applicable Department, Amending the definitions of Air-Gap, Backflow, Backflow Preventer, Back Siphonage, Cross Connection, Double Check Valve Assembly, Hazard-Health, Hazard Pollutational, Pressure Type Vacuum Breaker, and Reduced Pressure to Adopt Definitions consistent with current Industry Standards, Adopting a Definition for Backpressure and Utilities Department Cross-Connection Control Program, and deleting the definition for contamination; Amending Section 52.83, "BACKFLOW PREVENTION DEVICES; when required; SPECIFICATIONS," Updating the Title of the Applicable Department, replacing all references to Backflow Prevention Devices with Backflow Prevention Assemblies, Clarifying the location of required Backflow Prevention Assemblies and the Applicable Standards, and inserting references to the City of Delray Beach Utility Department's Cross-Connection Control Plan; Amending Section 52.84, "ENVIRONMENTAL SERVICES DEPARTMENT TO ADMINISTER," updating the Title of the Applicable Department and replacing all references to Backflow Prevention Devices with Backflow Prevention Assemblies; Amending Section 52.85, "NOTICE OF VIOLATION; FAILURE TO REMEDY," updating the Title of the applicable Department, and eliminating the maximum number of days an owner has to correct a violation; Amending Section 52.99, "PENALTY," Adopting a new Subsection (D), requiring a Utility Customer to pay a reconnection fee if Water Service was disconnected due to a Backflow or Cross-Connection Violation; and Amending Section 52.05, "TAMPERING WITH OR DAMAGING EQUIPMENT," Section 52.15, "MINIMUM SIZE OF METERS," Section 52.18, "REMOVAL OF METERS WHEN SERVICE DISCONTINUED; TEMPORARY REMOVAL SUBJECT TO RETROACTIVE BILLS," Section 52.19, "VEGETATION WATER METERS," Section 52.32, "METER INSTALLATION CHARGE," Section 52.38, "TEMPORARY USE; TAPPING CHARGES AND DEPOSIT,"

Section 52.51, "DELINQUENT BILLS; DISCONTINUED SERVICE,"
Section 52.98, "PRIMA FACIE EVIDENCE OF VIOLATION," updating the
Title of the Applicable Department; providing a conflicts clause; providing a
severability clause, authority to codify; and providing an effective date.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[BIE--Ordinance No. 02-24 Amending Public Works Chapter 52 Water_12.22.23](#)

[Legal Review Ord 02-24 Amd to Chapter 52 Water.docx](#)

[Ord 02-24 Amending Code re Water_Rev new sign.docx](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 20-24: 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 BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS" TO AMEND THE REQUIREMENTS FOR PARKING FOR GENERAL COMMERCIAL USES TO INCLUDE LIMITED INDOOR DINING ESTABLISHMENTS AND TO CLARIFY THE PARKING REQUIREMENT FOR RESTAURANTS AND STAND ALONE BARS; AMENDING APPENDIX A, "DEFINITIONS," TO INCLUDE A DEFINITION FOR LIMITED INDOOR DINING ESTABLISHMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.(FIRST READING)

Recommendation: Consider Ordinance No. 20-24, amending Section 4.6.9, "Off-Street Parking Regulations;" to adopt parking regulations for establishments with limited indoor dining, and Appendix A - "Definitions" of the Land Development Regulations (LDR), to adopt a definition for Limited Indoor Dining.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 20-24 Limited Indoor Dining Establishments](#)

[PZB Staff Report, Limited Indoor Dining](#)

[BIE Form Ord 20-24_SIGNED](#)

[Simple Legal Review Approval Ordinance 20-24](#)

9.B. ORDINANCE NO. 05-24: 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 10, "FLOOD DAMAGE CONTROL DISTRICTS AND COASTAL CONSTRUCTION," ARTICLE 10.1, "ADMINISTRATION," SECTION 10.1.2, "APPLICABILITY," TO REFERENCE THE MOST RECENTLY ADOPTED FLOOD INSURANCE STUDY; AMENDING SECTION 10.1.7, "VARIANCES AND APPEALS," TO REPLACE REFERENCES TO THE BOARD OF ADJUSTMENT WITH THE APPROPRIATE REVIEWING BODY TO BE CONSISTENT WITH CHAPTER 2 OF THE LAND DEVELOPMENT REGULATIONS AND UPDATING THE FLORIDA BUILDING CODE CHAPTER CITATION FOR HISTORIC STRUCTURES; AMENDING ARTICLE 10.2, "DEFINITIONS," SECTION 10.2.2, "DEFINITIONS," BY DELETING THE DEFINITIONS FOR "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION," "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION," AND "NEW MANUFACTURED HOME PARK OR SUBDIVISION," TO CREATE A SINGLE CATEGORY FOR MANUFACTURED HOMES, AND BY AMENDING THE DEFINITIONS FOR "COASTAL HIGH HAZARD AREA," "HISTORIC STRUCTURE," AND "MARKET VALUE," TO BE CONSISTENT WITH INDUSTRY STANDARDS; AND AMENDING ARTICLE 10.3, "FLOOD RESISTANT DEVELOPMENT," SECTION 10.3.4, "MANUFACTURED HOMES," TO CREATE A UNIFORM ELEVATION FOR ALL MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 05-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Chapter 10, "Flood Damage Control Districts and Coastal Construction" for compliance with United States Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 05-24](#)
[PZB Staff Report](#)
[Community Rating System Overview and Participation](#)
[Business Impact Estimate, Ordinance No. 05-24](#)
[Legal Review, Ordinance No. 05-24](#)

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.