

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, October 15, 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. FORMAL SWEARING-IN OF NEW FIRE RESCUE CHIEF RONALD MARTIN**

Sponsors: City Manager Department

4.B. RESOLUTION NO. 187-24 RECOGNIZING SHEPHERD GROSS FOR 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No. 187-24 honoring Shepherd Gross for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[187-24 Resolution Shepherd Gross-](#)

4.C. CITY OF DELRAY BEACH EDUCATION GRANT PRESENTATIONS

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

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. DISCUSSION REGARDING THE FEE STRUCTURE FOR METERED PARKING AT BOAT RAMP PARKING LOTS

Sponsors: City Manager Department

5.A.2. FOLLOW-UP CONCERNING INTERNAL AUDITOR SELECTION PROCESS CONSIDERATIONS

Sponsors: City Manager Department

5.A.3. CONSIDERATIONS REGARDING POTENTIAL ENGAGEMENT WITH CITRIN COOPERMAN ADVISORS, LLC FOR THE PROVISION OF PROCESS AND INTERNAL CONTROL ASSESSMENT SERVICES.

Recommendation: Discuss and provide direction to staff regarding a potential engagement with Citrin Cooperman Advisors, LLC for the provision of Process and Internal Control Assessment Services.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Delray Beach - Process & Internal Controls Assessment Engagement Letter](#)

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 30, 2024 Special Meeting Minutes - DRAFT

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[September 30, 2024 Special Meeting Minutes - DRAFT](#)

6.B. RESOLUTION NO. 212-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING JASON KAUFMAN, P.E., ENGINEERING DIVISION MANAGER OF THE DEPARTMENT OF PUBLIC WORKS TO BIND THE CITY OF DELRAY BEACH IN EMINENT DOMAIN PROCEEDINGS BEFORE THE COURT IN THE 15TH JUDICIAL CIRCUIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and Approve Resolution 212-24

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 212-24 Authorizing Jason Kaufman to bind City.bb rev 1](#)

6.C. APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING DISPARITY STUDY CONSULTING SERVICES.

Recommendation: Consider a motion to approve the Interlocal Agreement between the City of Delray Beach and Delray Beach Community Redevelopment Agency for Funding Disparity Study Consulting Services.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[CRA-City ILA for Disparity Study](#)
[Simple Legal Review Approval Disparity Study ILA](#)

6.D. APPROVAL OF AMENDMENT NO. 1 TO RFP 2022-029 WITH KEEN INDEPENDENT RESEARCH, LLC FOR DISPARITY STUDY CONSULTING SERVICES TO INCLUDE COMMUNITY REDEVELOPMENT AGENCY (CRA) PROCUREMENT DATA IN THE FINAL DISPARITY STUDY REPORT IN THE AMOUNT OF \$6,181.00 FOR A REVISED CONTRACT TOTAL OF \$248,537.00.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Agreement Amendment 1 Disparity Study 10.8.24](#)
[Disparity Study Amendment 1 Exhibit A FINAL](#)
[Original Agreement - Keen Independent Research, LLC. \(RFP No. 2022-029\)](#)
[Legal Review Checklist Disparity Study Amendment 10.7.24 value updated](#)

6.E. RESOLUTION NO. 208-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE DEVELOPMENT SERVICES FEE SCHEDULE TO ADD NEW FEES FOR THE SCANNING OF DEVELOPMENT AND PERMIT APPLICATION DOCUMENTS AND PLANS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.2(F) "FEES," ADOPTING NEW PERMIT FEES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution No. 208-24, amending and adopting the Development Services Fee Schedule to add fees for the scanning of development and permit application documents and plans.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 208-24: Scanning Fees Update Final Ig rev](#)
[Resolution No. 208-24: Simple Legal Review](#)

6.F. APPROVAL OF AMENDMENT NO. 3 TO EXTEND THE TERMS OF AGREEMENT NO. L2202 (POMPEY PARK IMPROVEMENT PROJECT) MADE BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF DELRAY BEACH

Recommendation: Motion to approve Amendment No. 3 to extend the grant project completion date to January 31, 2025, and the grant term to March 31, 2025.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Pompey Park Grant Extension Amend3_LR.docx](#)
[L2202_Delray Beach Pompey Park Amendment 3v2 \(003\).pdf](#)

6.G. APPROVAL FOR ADDITIONAL SPENDING AND CONTRACT INCREASE WITH RECTRAC, LLC DBA VERMONT SYSTEMS, INC. DUE TO THE ADDITION OF THE CREATIVE ART SCHOOL FOR PAYMENT PROCESSING SERVICES

Recommendation: Motion to approve additional spending and contract increase with Rectrac, LLC DBA Vermont Systems, Inc. due to the addition of The Creative Art School for payment processing services.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Fully Executed-Service Agreement Addendum - RecTrac LLC. \(dba Vermont S](#)

6.H. APPROVAL TO INCREASE PARK AND RECREATION PROGRAM AND RENTAL FEES

Recommendation: Motion to approve fee increase for Parks and Recreation programs and rentals.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Fee Proposal Spreadsheet.xlsx](#)

6.I. APPROVAL TO APPLY FOR THE FLORIDA COASTAL PARTNERSHIP INITIATIVE GRANT THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION COASTAL MANAGEMENT PROGRAM

Recommendation: Motion to approve and allow the Public Works Department to apply for the Florida Coastal Partnership Initiative Grant through the Florida Department of Environmental Protection Coastal Management Program, authorizing the City Manager as the signing authority.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Coastal Partnership Initiative Florida Department of Environmental Protection](#)

6.J. PROCLAMATIONS:

6.J.1. DELRAY READS DAY - PROCLAMATION

Recommendation: Motion to proclaim Thursday, October 24th, 2024 as Delray Reads Day.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[2024 Delray Reads Day Proclamation](#)

6.J.2. PROCLAMATION FOR FLORIDA CITY GOVERNMENT WEEK - OCTOBER 21-27, 2024

Recommendation: Motion to proclaim October 21-27, 2024 as Florida City Government Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[FLORIDA CITY GOVERNMENT WEEK 2024](#)

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

6.K.1. None

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

7. REGULAR AGENDA:

7.A. APPROVAL OF RESOLUTION NO. 213-24 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKED QUALIFIED FIRM FOR THE POMPEY PARK RECREATION CENTER (CMAR) PROJECT PURSUANT TO REQUEST FOR QUALIFICATION (RFQ) NO. 2024-031.

Recommendation: Motion to approve Resolution No. 213-24 authorizing the City Manager to negotiate an Agreement with the highest-ranked qualified firm, for The Pompey Park Recreation Center (CMAR) Project pursuant to Request for Qualification (RFQ) No. 2024-031.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Packet for Bid RFQ 2024-031 Advertised](#)
[Resolution 213-24 Approving Award and Authorizing Negotiations](#)
[Tabulation Packet for RFQ 2024-031](#)

- 7.B.** RESOLUTION NO. 171-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW PET GROOMING SERVICES AT 507 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
(QUASI-JUDICIAL)

Recommendation: Review and consider a conditional use request to allow pet grooming services at 507 East Atlantic Avenue, as set forth in Resolution No. 171-24.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Scoopy Doo's: Res 171-24 Leg Rev WB](#)
[Scoopy Doo's: PZ Staff Report](#)
[Scoopy Doo's: Project Narrative](#)
[Scoopy Doo's: Attachment - Location Map](#)
[Scoopy Doo's: Attachment - Floor Plan](#)
[Scoopy Doo's: Traffic Statement](#)
[Scoopy Doo's: Legal Review Res. No. 171-24](#)

- 7.C.** RESOLUTION NO. 188-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, AND LANDSCAPE PLAN WITH A WAIVER TO SECTION 4.6.16(H)(3)(i) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A LANDSCAPE ISLAND WITHOUT A SHADE TREE FOR THE PROJECT KNOWN AS THE EDGE AT PINEAPPLE GROVE LOCATED AT 605 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 188-24, approval of a Level 4 Site Plan, Architectural Elevations, and Landscape Plan with a Landscape Waiver, to construct a seven-unit townhouse development known as The Edge at Pineapple Grove located at 605 NE 2nd Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 188-24: The Edge at Pineapple Grove Level 4 Site Plan and Waiver](#)
[The Edge at Pineapple Grove: Staff Report](#)
[The Edge at Pineapple Grove: Site Plan and Elevations](#)
[The Edge at Pineapple Grove: Landscape Plans](#)
[The Edge at Pineapple Grove: Waiver Justification Statement](#)
[The Edge at Pineapple Grove: Civil Plans](#)
[The Edge at Pineapple Grove: Survey](#)
[The Edge at Pineapple Grove: Waste Management Letter](#)
[The Edge at Pineapple Grove: TPS Letter](#)
[The Edge at Pineapple Grove: SCAD Letter](#)
[Legal Review Resolution No. 188-24: The Edge at Pineapple Grove Level 4 Site](#)

- 7.D.** NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE. BASED ON THE ROTATION SYSTEM, AN APPOINTMENT TO SERVE A TWO (2) YEAR TERM ENDING JULY 31, 2026 WILL BE MADE BY VICE MAYOR JULI CASALE (SEAT #3).

Recommendation: Motion to approve a nomination 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](#)
[AHAC Current Member List](#)
[AHAC Attendance](#)
[Augustin Badet, Founa](#)
[Cohn, Damara](#)
[King, Cara](#)

- 7.E.** NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM. 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 nomination for appointment for one (1) regular member to serve on the Board of Trustees for the Police Officers' Retirement System.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Board of Trustees Police - Current Members](#)
[2024 Qtrly Bd Mtg Attendance - POLICE](#)
[Exhibit A - Police 10.15.24](#)
[Alper, Gregg](#)
[Crossan, Daniel](#)
[Fannon, Luke](#)
[Finkel, Andrew](#)
[Glanfield, Thomas](#)
[Kirschenbaum, Alan](#)
[Privitera, Scott](#)
[Weber, Paul - Redacted](#)

- 7.F.** NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS RETIREMENT SYSTEM. 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).

Recommendation: Motion to approve the nomination for appointment for one (1) regular member to serve on the Board of Trustees for the Firefighters' Retirement System.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Board of Trustees' Firefighters Current Members](#)
[2024 Qtrly Bd Mtg Attendance - FIRE](#)
[Exhibit A - Fire 10.15.24](#)
[Crossan, Daniel](#)
[Fannon, Luke](#)
[Finkel, Andrew](#)
[Glanfield, Thomas](#)
[Kirschenbaum, Alan](#)
[Vedder, Jim](#)

7.G. RESOLUTION NO. 200-24 AMENDING THE FISCAL YEAR 2024-25 BUDGET ADOPTED BY RESOLUTION NO.175-24 ON SEPTEMBER 16, 2024.

Recommendation: Motion to Approve Resolution No. 200-24 amending the Fiscal Year 2024-25 budget adopted on September 16, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 200-24 Budget Amendment FY 2024-25 10.15.24](#)
[Exhibit A - Resolution 200-24 Budget Amendment 10.15.24-Final](#)
[Legal Review Res 200-24 Budget Amd to FY 24-25](#)

7.H. RESOLUTION 103-24 APPROVING AN AGREEMENT WITH REDSPEED FLORIDA, LLC. FOR SPEED DETECTION CAMERA SYSTEM FOR SCHOOL ZONES UTILIZING SE FLORIDA GOVERNMENTAL PURCHASING CO-OP AND ITS LEAD AGENCY CITY OF PLANTATION REQUEST FOR SEALED PROPOSALS RFSP NO. 005-24

Recommendation: Motion to approve Resolution #103-24 approving an agreement with RedSpeed Florida LLC. for speed detection camera system for school zones utilizing SE Florida governmental purchasing co-op and its lead agency City of Plantation request for sealed proposals RFSP No. 005-24.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Award Letter](#)
[COOP survey](#)
[Executed Agreement](#)
[Final Selection Committee Evaluation Tabulation Sheet](#)
[Res 103-24](#)
[RFSP No. 005-24](#)
[Southeast Florida Governmental Purchasing - Single Award](#)
[Legal Review Checklist_MSA Redspeed LLC](#)
[P2024-040 Speed Detection Cameras for School Zones-Vendor Signed](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 28-24: 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 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SUBSECTION (I), "MINIMUM MAINTENANCE REQUIREMENTS," TO REMOVE EXISTING FERTILIZER USE REGULATIONS AND TO CREATE A NEW SUBSECTION (J), "FERTILIZER MANAGEMENT," TO ESTABLISH NEW FERTILIZER USE REGULATIONS AND ASSOCIATED DEFINITIONS PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Consider Ordinance No. 28-24, a City-initiated amendment to Section 4.6.16, "Landscape Regulations" of the Land Development Regulations (LDR) to adopt comprehensive fertilizer use regulations in compliance with Florida Department of Environmental Protection (FDEP) requirements.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Fertilizer Use Regulations](#)
[Ordinance No. 28-24](#)
[Business Impact Estimate, Ordinance No. 28-24](#)
[Legal Review, Ordinance No. 28-24](#)

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.