

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

1st Public Budget Hearing/Regular Meeting at 4:00 PM

Tuesday, September 6, 2022

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Juli Casale
Commissioner Ryan Boylston
Commissioner Shirley Ervin Johnson

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. PARKING AND CURBSIDE MANAGEMENT PLAN**

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Parking and Curbside Management PRESENTATION](#)

[Delray Parking Curbside Mgt \(2022.08.31\)](#)

[Parking Curbside Management Plan PZB Staff Report 07182022](#)

[DDA 7-11-22 Comments](#)

[DDA 10-18-21 Comments](#)

[PMAB Comments](#)

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 5, 2022 Regular Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[April 5, 2022 Regular City Commission Minutes](#)

6.B. ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT OVER THE SIDE OF 118 SWINTON CIRCLE ADJACENT TO NE 2ND AVENUE AS FURTHER DESCRIBED IN EXHIBIT "B".

Recommendation: Review and consider acceptance of a limited access easement agreement over the side of 118 Swinton Circle adjacent to NE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[118 Swinton Circle - Limited Access Easement Agreement](#)
[118 Swinton Circle - Legal Review Form](#)

6.C. PARKS AT DELRAY PLAT: CERTIFICATION OF THE FINAL PLAT, A MAJOR SUBDIVISION, KNOWN AS "PARKS AT DELRAY," GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH CONGRESS AVENUE AND OLD GERMANTOWN ROAD.

Recommendation: Review and consider certification of the final plat, a major subdivision, known as "Parks at Delray," generally located at the southwest corner of South Congress Avenue and Old Germantown Road.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Parks at Delray Plat](#)
[Parks at Delray Plat_PZB Staff Report](#)
[Old Office Depot Site SAD Rezoning_PZB Staff Report 10.05.18](#)
[County TPS Letter](#)

6.D. APPROVAL OF HOLD HARMLESS AGREEMENT FOR 22 WEST ATLANTIC AVENUE

Recommendation: Motion to approve and accept Hold Harmless Agreement.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Sundy Village Hold Harmless for ROW Pavers re Undergrounding](#)
[Ex B Sundy Village Hold Harmless for ROW Pavers re Undergrounding](#)

6.E. RESOLUTION NO. 145-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING RESOLUTION 122-22; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 145-22 repealing Resolution 122-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 145-22](#)

6.F. UPDATED WAGES, SALARY AND AUTHORIZATION OF NEW PAY GRADE STRUCTURE

Recommendation: Motion to Approve the updated wages, salary and authorization of new pay grade structure.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Proposed Pay Plan](#)
[General Emp. Pay Plan 10.01.22](#)

6.G. APPROVAL OF RESOLUTION 149-22 APPROVING POLICE COMMUNICATIONS AGREEMENT WITH TOWN OF GULF STREAM

Recommendation: Motion to approve Resolution 149-22 approving Police Communications Agreement to provide police communications services to the Town of Gulf Stream

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Res 149-22 - Town of Gulf Stream Police Communications Agreement lw](#)
[Town of Gulf Stream executed Police Communications Agreement](#)
[Legal Review Checklist Police Comm Agreement 22](#)

6.H. ITEM(S) A1 - ACCEPTANCE OF FOUR RIGHT-OF-WAY DEDICATIONS BY EACH PROPERTY OWNER OF 1407 LAKE DRIVE, 245 NE 7TH AVE., 932 SE 4TH AVE. AND 1301 LAKE DR.

Recommendation: Consideration of the following items:

Item A1 - Motion to approve and accept a Right of Way Dedication by the owners of 1407 Lake Drive

Item B1 - Motion to approve and accept a Right of Way Dedication by the owners of 245 NE 7th Ave.

Item C1 - Motion to approve and accept a Right of Way Dedication by the owners of 932 SE 4th Ave.

Item D1 - Motion to approve and accept a Right of Way Dedication by the owners of 1301 Lake Dr.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews \(3\)](#)
[Item \(A1a\) ROW - 1407 Lake Dr. - ROW](#)
[Item \(A1b \) Exhibit A & Sketch - 1407 Lake Dr. - ROW](#)
[Item \(B1a\) ROW - 245 NE 7th Ave](#)
[Item \(B1b\) Exhibit A Sketch & Description - 245 NE 7th Ave. - ROW](#)
[Item \(C1a\) 932 SE 4th Ave - ROW](#)
[Item \(C1b\) 932 SE 4th Ave - Exhibit A & Sketch](#)
[Item \(D1a\) ROW - 1301 Lake Dr](#)
[Item \(D1b\) Exhibit A Sketch & Desc - 1301 Lake Dr. - ROW](#)
[Legal Review - 1301 Lake Dr. - ROW](#)

6.I. APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH JPR PRODUCTIONS, INC. TO PROMOTE AND PRODUCE THE LOTOS FESTIVAL TO BE HOSTED AT THE DELRAY BEACH TENNIS CENTER

Recommendation: Motion to approve Revocable License Agreement with JPR Productions, Inc. to promote and produce the Lotos Festival to be hosted on January 7, 2023 at the Delray Beach Tennis Center.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[RLA Lotus Music Festival 2023](#)
[Legal Review RLA Lotus Music Festival 2023](#)

6.R. PROCLAMATIONS:

6.R.1. HISPANIC HERITAGE MONTH PROCLAMATION

Recommendation: Motion to declare September 15, 2022 - October 15, 2022 as Hispanic Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Hispanic Heritage Month Proclamation](#)

6.R.2. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2022

Recommendation: Motion to declare September 17-23, 2022 as Constitution Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Constitution Week Proclamation](#)

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

6.S.1. None

6.T. AWARD OF BIDS AND CONTRACTS:**6.T.1. APPROVAL OF RESOLUTION NO. 56-22 TO AWARD A CITY STANDARD AGREEMENT WITH HACH COMPANY FOR WATER QUALITY TESTING PRODUCTS IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$250,000 (\$125,000 PER YEAR).**

Recommendation: Motion to approve Resolution 56-22 to award a City Standard Agreement with Hach Company., for water quality testing products in the not-to-exceed estimated amount of \$250,000 (\$125,000 per year).

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Hach kwb.7.11.22.pdf](#)
[RESOLUTION NO. 56-22 rev..pdf](#)
[Hach City Standard Agreement vendor executed revised 8.29.22.pdf](#)

6.T.2. RESOLUTION NO. 140-22: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH CBRE, INC. FOR TENANT BROKER AND REAL ESTATE CONSULTING SERVICES TO CONDUCT A PLANNING STUDY FOR CONGRESS AVENUE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY RENEWALS AND/OR AMENDMENTS THERETO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 140-22 approving an agreement with CBRE, Inc., for tenant broker and real estate consultancy services for a planning study for Congress Avenue.

Sponsors: Economic Development Department, Development Services Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 140-22 CBRE Congress Ave Planning Study](#)
[Agreement CBRE Congress Ave Study](#)
[CBRE - Streetsense Congress Ave Planning Study_revised](#)
[Legal Review Checklist form v. 7 CBRE Congress Ave Planning Study](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 120-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 355 NORTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 120-22, a request for Conditional Use approval for Wanderlust Dogs to allow a Domestic Animal Services facility offering Pet Services including day care and pet grooming, and a Pet Hotel at 355 North Congress Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 120-22 Conditional Use for Wanderlust Dogs](#)
[Wanderlust Dogs PZB Report](#)
[Wanderlust Dogs Site Plan](#)
[Wanderlust Dogs Reduced Parking Statement](#)
[Wanderlust Dog Justification Statement 07.20.22](#)
[Wanderlust Dog Emergency Preparedness Plan 07.07.22](#)
[Legal Review Res 120-22 Conditional Use Wanderlust Dogs 355 N Congress](#)

- 7.B.** JUNETEENTH BENCHMARKING AND DATA ANALYTICS

Recommendation: Motion to discuss the Juneteenth Benchmarking and Data Analytics

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Juneteenth Benchmarking](#)

- 7.C.** PRESENTATION AND ADOPTION OF THE FIRE RESCUE DEPARTMENT MASTER PLAN

Recommendation: Recommend Adoption of the Fire Rescue Department Master Plan

Sponsors: Public Works Department and Fire Rescue Department

Attachments: [2022 09 06 DBFR Masterplan_Bond Referendum 090222](#)

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 29-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 32.15, "DEFINITIONS," TO REVISE THE DEFINITIONS OF CITY BOARD AND MEMBER AND TO CREATE A NEW DEFINITION FOR INADEQUATE ATTENDANCE; BY AMENDING SECTION 32.17, "REMOVAL OF CITY BOARD MEMBERS" TO CLARIFY THE BASES FOR REMOVAL OF CITY BOARD MEMBERS; BY AMENDING SECTION 32.18, "PROCEDURE," TO CLARIFY THE PROCEDURE FOR REMOVAL OF A CITY BOARD MEMBER; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance No. 29-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance Abandonment of Office \(003\) Iq 7-5-2022](#)

- 8.B.** ORDINANCE NO. 31-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 133, "OFFENSES AGAINST PERSONS", SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance 31-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Repeal of Conversion Therapy on Minors](#)
[Otto v. City of Boca Raton No. 19-10604 \(11th Cir](#)

- 8.B.1.** RESOLUTION NO. 138-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OPPOSING AND DISCOURAGING THE PRACTICE OF SEXUAL ORIENTATION CHANGE EFFORTS ON MINORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 138-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 138-22](#)

8.C. RESOLUTION NO. 135-22: GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES

Recommendation: Motion to adopt Resolution No. 135-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[22-1120 Agenda Cover Memo GENERAL FUND OPERATING AND DEBT SER](#)
[Reso No. 135-22 GENERAL FUND AND DEBT SERVICE MILLAGE kwb rev. 8](#)
[Simple Legal Review Approval 135-22](#)

8.D. RESOLUTION NO. 136-22: DOWNTOWN DEVELOPMENT AUTHORITY PROPOSED MILLAGE RATE

Recommendation: Motion to adopt Resolution No. 136-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the proposed rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[22-1121 Agenda Cover Memo DDA PROPOSED MILLAGE RATE](#)
[Reso 136-22 DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE rev. KWB](#)
[DDA FY22-23 Budget Memo for 9.06.22 City Commission Mtg](#)
[DDA FY 22-23 Budget Presentation CC 9.6.22 meeting V2](#)
[Simple Legal Review Approval 136-22](#)

8.E. RESOLUTION NO. 137-22: ADOPTION OF THE FISCAL YEAR TENTATIVE BUDGET BEGINNING OCTOBER 1, 2022

Recommendation: Motion to adopt Resolution No. 137-22 - Adopting the Tentative Budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[22-1122 Agenda Cover ADOPTION OF THE FISCAL YEAR 2022-23 TENTATI](#)
[Reso 137-22 ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTO](#)
[EXHIBIT A - RESOLUTION NO. 137-22](#)
[FY 2022-23 PROPOSED BUDGET WORKSHEET REPORTS](#)
[Simple Legal Review Approval 137-22](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 27-22: 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 2022-23 TO FY 2026-27 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. (FIRST READING)

Recommendation: Consider the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022- 23 Capital Improvement Budget, as set forth in Ordinance No. 27-22, for adoption into the Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Capital Improvements Plan, FY 22-23 to FY 26-27: PZB Staff Report](#)
[Capital Improvements Plan, FY 22-23 to FY 26-27: Ordinance No. 27-22](#)
[Capital Improvements Plan, FY 22-23 to FY 26-27: Ordinance No. 27-22 \(Exhib](#)
[Capital Improvements Program, FY 22-23 to FY 26-27](#)
[Legal Review](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT