

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, November 1, 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. 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. INTEREST IN PURSUING BID FOR THE BILLY JEAN KING CUP IN COORDINATION WITH THE PALM BEACH COUNTY SPORTS COMMISSION**

**Recommendation:** Motion to approve pursuing bid for the Billy Jean King Cup with the Palm Beach County Sports Commission.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[BillyJeanKingCup\\_BidRelease](#)

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:

August 16, 2022 Regular City Commission Meeting Minutes  
August 22, 2022 Workshop Meeting Minutes  
September 19, 2022 Regular City Commission Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[August 16, 2022 Regular Meeting Minutes - Draft](#)  
[August 22, 2022 Workshop Minutes - Draft](#)  
[September 19, 2022 Regular Meeting Minutes](#)

**6.B. AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.**

**Recommendation:** Recommend approval of the attached agreement.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2023 Municipal Agreement Clean Copy rev.kwb 10.10.22](#)  
[Simple Legal Review Election Agreement 2022](#)

**6.C. ACCEPTANCE OF A RIGHT -OF-WAY DEDICATION LOCATED AT 408 SE 2ND STREET**

**Recommendation:** Review and consider the acceptance of a right-of-way dedication located at 408 SE 2nd Street.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[408 SE 2nd ST ROW Agreement](#)  
[408 SE 2nd ST Sprab Report](#)  
[Legal Review Right of Way Deed PCN 12-43-46-16-01-103-0240 - Centennial I](#)

**6.D. MOTION TO APPROVE DEMOLITION AND CONSTRUCTION OF CIVIL SITE IMPROVEMENTS FOR FIRE STATION 113 IN AN AMOUNT NOT TO EXCEED \$832,937.35 IN ACCORDANCE WITH AN APPROVED AGREEMENT WITH GULF BUILDING, LLC. PURSUANT TO RFP NO. 2019-008.**

**Recommendation:** Motion to approve the demolition and civil site improvements to Fire Station 113 in the amount not to exceed \$832,937.35 in accordance with an approved agreement with Gulf Building LLC. pursuant to RFP No. 2019-008 (Project No. 16-012).

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Gulf Building Proposal](#)  
[Design Build Agreement - Gulf Building](#)

- 6.E.** APPROVAL OF AMENDMENT NO. 1 AUTHORIZING A PRICE ADJUSTMENT AND APPROVAL OF RENEWAL AND INCREASING THE CONTRACT VALUE WITH CARUS LLC f/k/a CARUS CORPORATION. FOR SUPPLY AND DELIVERY OF POLY PHOSPHATE IN THE TOTAL ESTIMATED RENEWAL VALUE OF \$599,520 THROUGH DECEMBER 9, 2024 (\$299,760) PER YEAR).

**Recommendation:** Motion to approve Amendment No. 1 to authorize a price adjustment, and approval of renewal and increase the contract value with Carus LLC f/k/a Carus Corporation for supply and delivery of Poly Phosphate in the total estimated renewal value of \$599,520 (\$299,760 per year) through December 9, 2024.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Carus Amendment.pdf](#)  
[Amd #1. ITB 2019-047 Carus Inc - vendor executed.pdf](#)  
[Fully Executed Agreement.pdf](#)  
[ITB 2019-047 Poly Phosphate Supply and Delivery.pdf](#)  
[2021 RM Market Drivers Phosphate Price Increase](#)

## **6.F. PROCLAMATIONS:**

### **6.F.1. OBSERVANCE OF VETERANS DAY PROCLAMATION**

**Recommendation:** Motion to observe Friday, November 11, 2022 as National Veterans Day.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Veteran's Day Proclamation 2022](#)

### **6.F.2. NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK PROCLAMATION**

**Recommendation:** Motion to proclaim November 12 - 20, 2022 as National Hunger & Homelessness Awareness Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Hunger & Homelessness Awareness Week](#)

### **6.F.3. FAMILY COURT AWARENESS MONTH**

**Recommendation:** Motion to proclaim November 2022 as Family Court Awareness Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Family Court Awareness Month](#)

## **6.G. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.G.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM OCTOBER 1, 2022, THROUGH OCTOBER 21, 2022.**

**Recommendation:** By motion, receive and file this report for actions from October 1, 2022, through October 21, 2022.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Location Map: Appealable Items](#)  
[SPRAB Agenda: October 12, 2022](#)  
[PZB Agenda: October 17, 2022](#)  
[HPB Agenda: October 19, 2022](#)

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

6.H.1. None

**7. REGULAR AGENDA:**

**7.A. RESOLUTION NO. 59-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A FIFTY FIVE FOOT WIDE PORTION OF RIGHT-OF-WAY LOCATED AT THE NORTHERN TERMINUS OF DAVIS ROAD, TOTALING APPROXIMATELY ELEVEN THOUSAND SEVEN HUNDRED AND THIRTY SQUARE FEET (11,730 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**Recommendation:** Review and consider Resolution No. 59-22, abandoning the interest in a 55-ft. wide portion of right-of-way.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 59-22 Abandonment of Davis Road Terminus](#)  
[Legal Review Approval Resolution 59-22](#)  
[PZB Staff Report 3523 Lone Pine Rd ROW Abandonment](#)  
[3523 Lone Pine Road Partial ROW Abandonment Recommendation MEMO 10-](#)  
[Applicant Narrative](#)  
[Location Map](#)  
[Exhibit A - Survey of Abandonment Area](#)  
[Survey - Right of Way](#)  
[Survey - 3523 Lone Pine Road](#)  
[Davis Road Abandonment letter of no objection\\_LWDD](#)  
[Updated notice of no objection\\_LWDD](#)

**7.B. APPOINTMENT OF THE CHAIR AND VICE-CHAIR OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA)**

**Recommendation:** Motion to appoint the Chair and Vice-Chair of the Community Redevelopment Agency (CRA).

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 57-18](#)

**7.C. RESOLUTION 179-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING THE EXTENSION OF THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY'S TERMINATION DATE FROM SEPTEMBER 30, 2039 TO SEPTEMBER 16, 2044, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Recommendation:** Motion to approve Resolution 179-22.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 179-22 CRA extension](#)  
[Resolution 2022-08](#)  
[FS 163.3755](#)

**7.D. STAFF RECOMMENDS THE AWARD OF AN AGREEMENT WITH BEEFREE, LLC DBA FREEBEE, FOR FIXED ROUTE AND POINT-TO-POINT TRANSPORTATION SERVICES IN THE ESTIMATED AMOUNT NOT TO EXCEED \$4,437,346 (\$887,469 PER YEAR)**

**Recommendation:** Staff recommends the award of an Agreement with Beefree, LLC dba Freebee, for Fixed Route and Point-To-Point Transportation Services in the estimated amount not to exceed \$4,437,346 (\$887,469 per year), and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Economic Development Department and Purchasing Department

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

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

**8.A.** ORDINANCE NO. 30-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS", SUBSECTION (A), "STANDARD APPLICATION ITEMS" AND SUBSECTION (B), "STANDARD PLAN ITEMS", TO CLARIFY THE REQUIREMENTS FOR APPLICATION AND PLAN SUBMISSION FOR GREEN BUILDING CERTIFICATION; AMENDING SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS", SUBSECTION (B), "BUILDING PERMITS", TO INCLUDE GREEN CERTIFICATION AS A REQUIREMENT TO OBTAIN A BUILDING PERMIT; BY AMENDING CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS", TO ADD A NEW SUBSECTION (L) REFERENCING SUSTAINABILITY GOALS AND REGULATIONS FOR DEVELOPMENT OF SITE PLANS; BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (F), "ARCHITECTURAL STANDARDS", TO CLARIFY SUBSECTION (9), "REDUCTION OF URBAN HEAT ISLANDS", PROVIDING SPECIFICATIONS FOR ROOFED AND NON-ROOFED AREAS AND TO DELETE SUBSECTION (10), "GREEN BUILDING PRACTICES," IN ITS ENTIRETY; BY AMENDING CHAPTER 7, "BUILDING REGULATIONS", TO ENACT A NEW ARTICLE 7.11, "SUSTAINABLE DESIGN AND CONSTRUCTION PRACTICES", TO PROVIDE GREEN BUILDING CERTIFICATION REQUIREMENTS, APPLICATION PROCEDURES, AND BOND REQUIREMENTS FOR CITY AND PRIVATE DEVELOPMENT; AND BY AMENDING APPENDIX A, "DEFINITIONS" TO ADD A NEW DEFINITION FOR SUSTAINABILITY AND RESILIENCE FUND; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING).

**Recommendation:** Motion to approve Ordinance No. 30-22 on Second Reading to amend the Land Development Regulations for the purpose of requiring that all new construction over 15,000 square feet, whether public or private, obtain green building certification from one of the specified green building certification programs.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Green Building Req- PZ Staff Report](#)  
[LEED LDR Amendments 100422](#)  
[Simple Legal Review Approval Green Building Ordinance](#)  
[Green Bldg CC 110122](#)



- 8.B.** RESOLUTION NO. 126-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE INVENTORY LIST OF CITY OWNED PROPERTY APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PUBLIC HEARING)

**Recommendation:** Review and consider Resolution No. 126-22.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Res. 126-22 - Inventory of City Property for Use as Affordable Housing v3](#)  
[FS 166.0451](#)  
[Simple Legal Review Approval Reso 126-22](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 14-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH FEDERAL HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Consider Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 14-22](#)  
[Proposed Land Use, 716 N. Lake Avenue](#)  
[PZB Staff Report](#)  
[Legal Review, Ordinance No. 14-22](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A. City Manager**

**B. City Attorney**

**C. City Commission**

**11. ADJOURNMENT**