

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, January 17, 2023

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. TERRA COUZENS, NEIGHBORHOOD & COMMUNITY SERVICES, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2022.**

Recommendation: Motion to approve Terra Couzens as Employee of the Month for December 2022.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Terra Couzens Employee of the Month Dec 2022](#)

4.B. PROCLAMATION FOR THE PINEAPPLE GROVE ARTS DISTRICT

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Pineapple Grove Arts District](#)

4.C. FEDERAL LEGISLATIVE UPDATE FROM MICHAEL WILLIS OF COLOR NINE GROUP, LLC

Recommendation: The City Commission is asked to hear Mr. Willis' presentation and respond with any questions.

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.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:

July 12, 2022 Regular City Commission Meeting Minutes
December 6, 2022 Regular City Commission Meeting Minutes
January 10, 2023 Special City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[July 12, 2022 Regular Commission Meeting Minutes - Draft](#)
[December 6, 2022 Regular Commission Meeting Minutes - Draft](#)
[January 10, 2022 Special City Commission Meeting Minutes - DRAFT](#)

6.B. EMERGENCY PURCHASE OF KNOX COMPANY PRODUCTS AND SERVICES.

Recommendation: Motion for retroactive approval for the purchase of 25 ea. KeySecure6 devices, 10 ea. KeyDefender devices, 1,100 ea. eLock Core retrofit kits, and accessories from the Knox Co.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Knox Justification Letter from Fire Chief.pdf](#)
[Memo Sole Source Approval, Knox Company - signed.pdf](#)
[Knox-eLock-System-Brochure.pdf](#)
[Delray Beach all 7 QT-KA-42701a.pdf](#)
[PO 2023-00000572 Knox Co.pdf](#)

6.C. APPROVAL OF AMENDMENT NUMBER 3 TO THE LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PINEAPPLE GROVE HOLDINGS, LLC FOR THE CONTINUED OCCUPANCY OF THE MEDICAL FACILITY LOCATED AT 525 NE 3RD AVENUE, DELRAY BEACH, FLORIDA.

Recommendation: Motion to approve the lease renewal for the Pineapple Grove Center for the Employee Health and Wellness Center.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[2015-16 Pineapple Grove Professional Center Lease - final executed](#)
[Pineapple Grove Holdings - Amendment No 1 to lease agreement](#)
[Amendment No. 2 to the Lease Agreement Final Signed Expires 2 2023](#)
[Amendment - Vendor Signed](#)
[Legal Review Amd #3 to Lease with Pineapple Grove - Clinic - 12 month exten:](#)

6.D. INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2023 DELRAY BEACH OPEN

Recommendation: Motion to approve the Interlocal Agreement (ILA) for the Co-Title Sponsorship of the 2023 Delray Beach Open with the Delray Beach Community Redevelopment Agency (CRA) for a term which will commence upon execution of the contract and terminate on September 30, 2023 in the amount of \$905,000.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ILA with CRA for Tennis Sponsorship 2022-23_FINAL 12.29.22](#)
[EX A CRA Diamond City Partner-2023](#)
[Legal Review Checklist ILA with CRA for co-sponsorship of 2023 Delray Beach](#)
[2022 Delray Beach Open Economic Impact](#)

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 10-23 TO AWARD AN AGREEMENT TO ROK TECHNOLOGIES, LLC, FOR GIS CLOUD MANAGED SERVICES; UTILIZING CITY OF PEMBROKE PINES, FLORIDA SOLICITATION NO. TS-22-02 - \$317,263 FOR IMPLEMENTATION, 3 INITIAL YEARS AND 1 RENEWAL

Recommendation: Motion to Approve Resolution No. 10-23 to award an Agreement to ROK Technologies, LLC for GIS cloud managed services in the estimated amount of \$317,263 over 4 years, utilizing the Pembroke Pines, Florida Solicitation No. TS-22-02; and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 10-23](#)
[Legal Review Checklist ROK technologies](#)
[DelRay Beach.rok.MSA.1.6.23](#)
[DelRayBeach.rok.sow.1.6.23](#)
[DelRayBeach.rok.sla.1.6.23](#)

6.G.2. APPROVAL OF RESOLUTION NO. 11-23 TO AWARD AN AGREEMENT WITH HENRY SCHEIN MEDICAL INC., FOR MEDICAL SUPPLIES, EQUIPMENT AND PHARMACEUTICALS, UTILIZING EAGLE COUNTY HEALTH SERVICES DISTRICT DBA EAGLE COUNTY PARAMEDIC SERVICES RFB NO. 2021-06 - \$100,000

Recommendation: Motion to approve Resolution No. 11-23 to award an agreement with Henry Schein Medical Inc in the estimated amount of \$100,000, utilizing the Eagle County Health Services District RFB No. 2021-06.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist kwb 12.16.22.pdf](#)
[Resolution Henry Schein Inc 12.16.22.pdf](#)
[P2023-010 Henry Schein Agreement kwb. 12.16.22.pdf](#)
[PSAI RFB 2021-02 Medical Supplies Equipment Pharmaceuticals - FINAL.pdf](#)
[Signed PSAI Vendor Agreement+Deviation Letter-Henry Schein-RFB 2021-06 M](#)

6.G.3. APPROVAL OF RESOLUTION NO. 12-23 APPROVING AN AGREEMENT WITH MUSCO SPORTS LIGHTING, LLC., FOR EQUIPMENT FOR PARKS AND PLAYGROUNDS, UTILIZING A CLAY COUNTY, FLORIDA SOLICITATION NO. 18/19-2 - \$289,900.

Recommendation: Motion to Approve Resolution No. 12-23 to award an Agreement to Musco Sports Lighting, LLC. for equipment for parks and playgrounds in the estimated amount of \$289,900, utilizing the Clay County, Florida Solicitation No. 18/19-2; and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Musco](#)
[Musco MSA Agreement PE](#)
[Resolution No. 12-23](#)
[Tennis Center Quote Lighting](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 15-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY ALLEY LOCATED ALONG THE EASTERN AND NORTHERN PROPERTY LINES OF 213 SOUTHEAST 2ND AVENUE, TOTALING APPROXIMATELY 1,496 SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING GENERAL UTILITY EASEMENT; REQUIRING THE SUBMITTAL OF A PLAT TO CONSUMMATE THE ABANDONMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 15-23, a privately-initiated request to abandon an unimproved portion of a City-owned right-of-way (alley) totaling approximately 1,496 square feet and located adjacent to 201 and 213 SE 2nd Avenue, and 206 SE 3rd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 15-23 - Alley Abandonment](#)
[Planning and Zoning Board Staff Report](#)
[Applicant Justification Statement](#)
[City Engineer Review](#)
[Survey of Area](#)
[Sketches of Areas](#)
[Utility Notification \[AT&T\]](#)
[Utility Notification \[Comcast\]](#)
[Turning Radius Review](#)
[Legal Review Res No. 15-23 Alley Abandonment](#)

- 7.B.** RESOLUTION NO. 16-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A FREE-STANDING MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON A PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED AT 1405 N FEDERAL HIGHWAY AND 716 N LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE 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 HEARING)

Recommendation: Review and consider Resolution No. 16-23, a request for conditional use approval to allow free-standing multi-family residential in the GC district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Reso 16-23 Conditional Use Multi-family](#)
[1405 N Federal Hwy Staff Report](#)
[1405 N Federal Hwy Applicant Narrative and Justification Statement](#)
[1405 N Federal Hwy Survey](#)
[Simple Legal Review Approval Reso 16-23](#)

- 7.C.** RESOLUTION NO. 23-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 318 SE 5TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 23-23, waiver requests to Land Development Regulations (LDR) Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 23-23 318 SE 5th Street](#)
[Osceola Park Plat](#)
[318 SE 5th Street Justification Statement](#)
[318 SE 5th Street Survey](#)
[Legal Review Res 23-23 Waiver to construct residential structure on lot with les:](#)

**7.D. RESOLUTION NO. 08-23 AMENDING THE FISCAL YEAR 2022-23 BUDGET
ADOPTED BY RESOLUTION NO. 157-22 ON SEPTEMBER 19, 2022**

Recommendation: Motion to Approve Resolution No. 08-23 amending the budget for Fiscal Year 2022-23 adopted on September 19, 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Budget Amendment Resolution No. 08-23 rev. 1.10.23](#)
[Exhibit A - Budget Amendment 1.17.2023](#)
[Simple Legal Review Approval Budget Amendment 1.17.23](#)

**7.E. CONSIDERATION OF OPTIONS FOR ACQUISITION OF CITY VEHICLES AND
EQUIPMENT**

Recommendation: N/A - Workshop discussion item.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

**7.F. MOTION TO APPROVE EXTENSION TO THE EXCLUSIVE FRANCHISE AGREEMENT
BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF
FLORIDA FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES.**

Recommendation: Motion to approve extension to the Exclusive Franchise Agreement between the City of Delray Beach and Waste Management Inc. of Florida for Solid Waste And Recycling Collection Services and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department and Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[2015-03-09 Exclusive Franchise Agt between the City and SWS LLC](#)
[Amendment No. 5 to Exclusive Franchise Agreement - Solid Waste & \(2\)](#)
[Res. No. 165-22 No Franchise Admin Fees](#)

7.G. APPROVAL OF RESOLUTION NO. 05-23 TO AWARD AN AGREEMENT WITH KEEN INDEPENDENT RESEARCH LLC., FOR DISPARITY STUDY CONSULTING SERVICES PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2022-029 - \$242,356

Recommendation: Motion to approve Resolution No. 05-23 to award an Agreement with Keen Independent Research LLC. for Disparity Study Consulting Services pursuant to Request for Proposals (RFP) No. 2022-029 in the amount of \$242,356.

Sponsors: Purchasing Department and City Manager Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist - Disparity Study](#)
[Resolution No. 05-23 Disparity Study Consulting Services](#)
[2022-029 - Agreement Keen Independent Research - Vendor Executed](#)
[2022-029 Keen Independent Research Proposal](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 41-22: 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 4.6.7, SUBSECTION (F), "SIGNS REQUIRING PERMITS," TO UPDATE TERMINOLOGY FOR CONSISTENCY WITH CURRENT DEPARTMENT TITLES, TO DELETE SECTION 4.6.7(F)(3)(e), "MURALS AND SIGNS WITHIN MURALS," TO REMOVE DUPLICATIVE REFERENCES FOR PROCESSING MURAL APPLICATIONS; BY AMENDING CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS", ARTICLE 8.5, "PUBLIC ARTS PROGRAM", SECTION 8.5.3, "MURALS" TO ALLOW MURALS IN MIXED USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC), NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), PLANNED COMMERCIAL (PC), PLANNED OFFICE COMMERCIAL (POC), PROFESSIONAL OFFICE DISTRICT (POD), OPEN SPACE AND RECREATION (OSR), OR SPECIAL ACTIVITIES DISTRICT (SAD), AND TO ALLOW THE PLACEMENT OF MURALS ON FLAT TOP ROOFS AND TOP DECKS OF PARKING GARAGES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 41-22, a City initiated amendment and update to the Land Development Regulations (LDR) Section 8.5.3, "Murals," to add requirements for the maintenance and preservation of murals and to expand the permissible zoning districts and locations, including the placement of murals on flat top roofs and parking decks, and to amend LDR Section 4.6.7 "Signs," to eliminate duplicative references for processing mural applications.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 41-22](#)
[Planning & Zoning Board Staff Report](#)
[Map - Currently Allowed Zoning Districts](#)
[Map - Proposed Additional Zoning Districts](#)
[Legal Review](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT