

City of Delray Beach

Regular Commission Meeting



RULES FOR PUBLIC PARTICIPATION

Tuesday, December 4, 2007

Regular Meeting 6:00 p.m.
Public Hearings 7:00 p.m.
Commission Chambers
Delray Beach City Hall

1. PUBLIC COMMENT: The public is encouraged to offer comments with the order of presentation being as follows: City Staff, public comments, Commission discussion and official action. 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 or presiding officer has discretion to adjust the amount of time allocated.

- A.** Public Hearings: Any citizen is entitled to speak on items under this section.
- B.** Comments and Inquiries on Non-Agenda 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.
- C.** Regular Agenda and First Reading Items: Public input on agendaed items, other than those that are specifically set for a formal public hearing, shall be allowed when agreed by consensus of the City Commission.

2. SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address public hearing or non-agendaed items 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 on an appropriate item. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the podium to speak, please complete the sign-in sheet if you have not already done so.

3. ADDRESSING THE COMMISSION: At the appropriate time, please step up to the podium 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.

100 NW 1st Avenue
Delray Beach, Florida 33444

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

The City will furnish auxiliary aids and services to afford an individual with a disability an opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Contact Doug Smith at 243-7010, 24 hours prior to the event in order for the City to accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.

1. **ROLL CALL.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
 - November 6, 2007 – Regular Meeting
 - November 20, 2007 – Regular Meeting
6. **PROCLAMATIONS:**
 - A. NONE
7. **PRESENTATIONS:**
 - A. **RESOLUTION NO. 68-07:** Recognizing and Commending **Captain Mark S. Davis** for 30 years of dedicated service to the City of Delray Beach
 - B. City of Delray Beach Residents' Academy Certificates – Janet Meeks
 - C. Chief's Achievement Award for the Delray Beach Police Department Dive Team – Chief Schroeder
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **RATIFICATION OF THE APPOINTMENTS TO THE KIDS AND COPS COMMITTEE:** Approve and ratify certain appointments to the Kids and Cops Committee to serve two (2) year terms ending November 30, 2009.
 - B. **RESOLUTION NO. 69-07/ALTERNATIVE WATER SUPPLY GRANT/SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD):** Approve and adopt Resolution No. 69-07 authorizing execution of an Alternative Water Supply Grant Agreement with the South Florida Water Management District (SFWMD) for funding in the amount of \$619,700.00 for the construction of the Area 4 Reclaimed Water Transmission System Project.
 - C. **RATE ADJUSTMENTS/AMENDMENT NO. 6/DAVID MILLER AND ASSOCIATES, INC.:** Approve Amendment No. 6 to David Miller and Associates, Inc. Consulting Engineering Services Agreement Section VII(A)(2)(a) to adjust the hourly rates by five percent (5%).

- D. **STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) ALLOCATION FOR FY 2007-2008 RECAPTURED FUNDS:** Approve and authorize the City to allocate the recaptured funds for FY 2007-2008 for the purchase of existing and/or construction of new single family homes, townhouses and condominiums in partnership with a participating Community Development Corporation (CDC) and/or eligible non-profit organizations. Funding is available from 118-1924-554-49.20 (State Housing Initiatives Partnership).
- E. **AMENDMENT/MEMORANDUM OF AGREEMENT (MOA)/ NEIGHBORHOOD RESOURCE CENTER/UNITED WAY PROSPERITY CENTER:** Approve an amendment to the Memorandum of Agreement (MOA) with the United Way of Palm Beach County for the Prosperity Center (UWPBC) at the Neighborhood Resource Center providing that the City will fund a one (1) time grant in the amount of \$22,000.00 in support of the Prosperity Center Manager position for FY 2007/2008.
- F. **AMENDMENT TO AGREEMENT/ACHIVEMENT CENTER FOR CHILDREN AND FAMILIES:** Approve an Amendment to the agreement between the City and the Achievement Centers for Children and Families (ACCF), to include funding in the amount of \$52,000.00 for the teen program provided through the Parks and Recreation Department for FY 2007/2008. Funding is available from 001-4111-572-83.01 (General Fund/Other Grants and Aids).
- G. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period November 19, 2007 through November 30, 2007.
- H. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to RSI of Florida in the amount of \$174,993.00 for the Fire Station No. 2 Re-Roofing Project. Funding is available from 334-6112-522-46.15 (General Construction Fund/Roof Repair-Fire Station).
 2. Contract award to Total Quality Construction Services, Inc. in the amount of \$156,727.74 for the construction of the west parking lot at the Delray Beach Swim and Tennis Center. Funding is available from 117-4133-572-65.57 (Recreation Impact Fee Fund/Swim and Tennis Parking Lot).
 3. Purchase award to The Armored Group, LLC in the amount of \$96,335.00 for the purchase of a new SWAT truck for the Delray Beach Police Department. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).

9. **REGULAR AGENDA:**

- A. **APPEAL OF SITE PLAN REVIEW AND APPEARANCE BOARD DECISION/PEDIATRICS BY THE SEA:** Consider an appeal of the Site Plan Review and Appearance Board's decision regarding the building elevations associated with the Class IV site plan modification for Pediatrics By The Sea, located at 285 S.E. 5th Avenue. *(Quasi-Judicial Hearing)*
- B. **WAIVER REQUESTS/PEDIATRICS BY THE SEA:** Consider a request for waivers associated with the Class IV Site Plan Modification for Pediatrics By The Sea located at the northeast corner of S.E. 5th Avenue and S.E. 3rd Street (285 S.E. 5th Avenue). *(Quasi-Judicial Hearing)*
- C. **WAIVER REQUESTS/ONNEN DISASTER AND RECOVERY CENTER:** Consider a request for waivers associated with the Class IV site plan modification for Onnen Disaster and Recovery Center, located at 234 N.E. 4th Avenue. *(Quasi-Judicial Hearing)*
- D. **CONDITIONAL USE REQUEST/WAL-MART:** Consider a conditional use request to allow the establishment of a 24-hour or late night business for Wal-Mart, located on the west side of Military Trail, approximately 650 feet south of Linton Boulevard (16205 South Military Trail). *(Quasi-Judicial Hearing)*
- E. **CONDITIONAL USE EXTENSION REQUEST/ATLANTIC SHORES:** Consider a conditional use extension request to increase the building height to a maximum of 60 feet and to allow an increase above 30 dwelling units per acre (41.30 du/ac) for Atlantic Shores, a proposed residential development pursuant to Land Development Regulations (LDR) Section 2.4.4(F)(1) and (2), "Extensions". Atlantic Shores is located on the west side of S.E. 2nd Avenue, approximately 80 feet south of S.E. 1st Street. *(Quasi-Judicial Hearing)*
- F. **BONUS PAYMENT TO JCD SPORTS GROUP, INC:** Consider approval of FY 2006 - 2007 bonus payment to JCD Sports Group for both golf operations in the amount of \$12,206.25 and for Tennis Center operations in the amount of \$3,795.00. Funding is available from 445-4711-572-34.90 (Delray Beach Municipal Golf Course Fund/Other Professional Services), 446-4711-572-34.90 (Lakeview Golf Course/Other Professional Services), 001-4215-575-34.90 (General Fund/Tennis Operations/Tennis Center/Other Professional Services) and 001-4210-575-34.90 (General Fund/Tennis Operations/Stadium/Other Professional Services).
- G. **AUTHORIZATION TO FILE COMPLAINT FOR INJUNCTIVE RELIEF/LYDIA R. SMILEY:** Consider a request authorizing the City to file a Complaint for Injunctive Relief against Lydia R. Smiley for failing to comply with Section 91.02(A) of the Code of Ordinances pertaining to keeping poultry on residential property when it is prohibited.

- H. **APPOINTMENTS TO THE KIDS AND COPS COMMITTEE:** Appoint three (3) regular members to the Kids and Cops Committee to serve two (2) year terms ending November 30, 2009. Based upon the rotation system, the appointments will be made by Mayor Ellis (Seat #5), Commissioner Eliopoulos (Seat #1) and Commissioner Fetzner (Seat #2).
- I. **APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Appoint one (1) regular member to the Downtown Development Authority (DDA) to serve an unexpired term ending July 1, 2008. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1).
- J. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member from Zone 1 to the Neighborhood Advisory Council to serve an unexpired term ending October 31, 2008. Based upon the rotation system, the appointment will be made by Commissioner McDuffie (Seat #3).

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 46-07 (SECOND READING/SECOND PUBLIC HEARING):** Consideration of a rezoning request to allow a modification of the Blood's Grove Special Activities District (S.A.D.), Zoning Ordinance No. 51-95, in conjunction with a new mixed-use development known as Midtown Delray containing 116 townhouse units (of which 32 units are subject to the family workforce housing ordinance) and 29,571 square feet of medical offices to be located at the southwest corner of Linton Boulevard and Old Germantown Road (4600 Linton Boulevard). *(Quasi-Judicial Hearing)*
 - 1. **WAIVER REQUESTS/MIDTOWN DELRAY:** Consider approval of two (2) waiver requests associated with Ordinance No. 46-07. *(Quasi-Judicial Hearing)*
 - 2. **APPEAL/SITE PLAN REVIEW AND APPEARANCE BOARD ACTIONS/MIDTOWN DELRAY:** Consideration of an appeal regarding the Site Plan Review and Appearance Board's approval of the site plan, landscape plan and architectural elevations associated with the construction of a proposed 116-unit townhouse development and 29,571 square foot medical office building known as Midtown Delray, located at 4600 Linton Boulevard. *(Quasi-Judicial Hearing)*

- B. **ORDINANCE NO. 55-07 (FIRST READING/FIRST PUBLIC HEARING):**
 City initiated amendments to the Land Development Regulations (LDR) amending Section 1.4.3, "Enforcement"; Section 1.4.4, "Penalty", providing that neglect shall constitute a nuisance and providing for enforcement and penalties; Section 2.2.6(C), "Meeting and Quorum", providing for voting, 2.2.6(D), "Duties and Responsibilities", providing for express authority for the Historic Preservation Board to apply the Historic Compatibility Regulations; Section 4.5.1(E), "Development Standards", Subsection 4.5.1(E)(6), "Demolition", and 4.5.1(F), "Restrictions on Demolitions", providing requirements for the application and approval for demolition. If passed, a second public hearing will be scheduled for January 3, 2008.

 - C. **ORDINANCE NO. 57-07 (FIRST READING/FIRST PUBLIC HEARING):**
 City initiated amendment to Land Development Regulations (LDR) Section 4.4.24 (B)(12), "Principal Uses and Structures", which specifies the accessory uses and structures permitted in the Old School Square Historic Arts District (OSSHAD), to add all of the accessory uses that are also currently permitted in the Central Business District. If passed, a second public hearing will be scheduled for January 3, 2008.

 - D. **ORDINANCE NO. 56-07:** An ordinance amending Chapter 32, "Departments, Boards and Commissions", of the Code of Ordinances of the City of Delray Beach, Florida, by amending Section 32.41, "Composition; Terms; Appointment", to clarify the composition of the Kids and Cops Committee.
11. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PUBLIC HEARINGS.**
- A. City Manager's response to prior public comments and inquiries.
 - B. From the Public.
12. **FIRST READINGS:**
- A. NONE.
13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
- A. City Manager
 - B. City Attorney
 - C. City Commission

POSTED: NOVEMBER 30, 2007