

# City of Delray Beach

## Regular Commission Meeting



### RULES FOR PUBLIC PARTICIPATION

Tuesday, October 2, 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:**
  - September 18, 2007 – Regular Meeting
6. **PROCLAMATIONS:**
  - A. Change a Light Day – October 3, 2007
  - B. Make A Difference Day – October 27, 2007
  - C. Florida City Government Week – October 21-27, 2007
  - D. National Arts and Humanities Month – October 2007
  - E. National Physical Therapy Month – October 2007
7. **PRESENTATIONS:**
  - A. Delray Beach Jaycees Fishing Tournament/Delray Citizens for Delray Police – Officer Jeffery Messer and Chris Reich
  - B. My Safe Florida Home Program Presentation
8. **CONSENT AGENDA:** City Manager Recommends Approval.
  - A. **ACCEPTANCE OF EASEMENT DEED/CLEARBROOK HOMEOWNERS ASSOCIATION:** Approve and accept an easement deed between the City and Clearbrook Homeowners Association to allow the installation of a reclaimed water line from Homewood Boulevard to Clearbrook Circle.
  - B. **LANDSCAPE MAINTENANCE AGREEMENT/CANNERY ROW DEVELOPMENT:** Approve and accept a landscape maintenance agreement between the City and Cannery Row Homeowners Association for the maintenance of landscaping within the public rights-of-way along N.E. 1<sup>st</sup> Avenue, N.E. 2<sup>nd</sup> Avenue and N.E. 3<sup>rd</sup> Street adjacent to the Cannery Row Development.
  - C. **RESOLUTION NO. 58-07:** Approve Resolution No. 58-07 providing support for the City’s beach renourishment project and a funding commitment to provide for the local match.

- D. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/NEIGHBORHOOD PLANNER:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for funding in the amount up to \$34,410.00 per year for a Neighborhood Planner position to be assigned to the Neighborhood Resource Center to serve as a liaison between the Community Redevelopment Agency (CRA), West Atlantic Avenue Task Team (WATI) and West Atlantic Avenue Redevelopment Coalition (WARC); and provide Community Land Trust (CLT) outreach services. The Community Redevelopment Agency (CRA) shall contribute 50% of the cost of this position.
- E. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/PLAN REVIEWER II:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) in an amount up to \$67,200.00 per year for a Plan Reviewer II position in the Community Improvement Department for the prioritization of CRA projects for plan review and permit approval.
- F. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/PLANNING AND OTHER SERVICES:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) in an amount up to \$115,500.00 per year for planning and other services from the Planning and Zoning Department, Parking Management Specialist and the Information Technology Division.
- G. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/CLEAN AND SAFE PROGRAM:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) in the amount of \$870,000.00 for funding for the Clean and Safe Program for FY 2007/2008.
- H. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/CONSTRUCTION/PROFESSIONAL SERVICES:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for funding construction/professional services for FY 2007/2008.
- I. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/IN-HOUSE PROJECT MANAGEMENT SERVICES:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) in the amount of \$78,750.00 for funding of the Project Manager position in the Environmental Services Department/Engineering Division. The Project Manager position manages the Community Redevelopment Agency (CRA) projects, helps keep the projects on schedule and ensure that they are properly coordinated and managed.
- J. **RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the reappointment of Mr. Charles Halberg, Planning & Zoning Board Representative, to the Parking Management Advisory Board for a two (2) year term ending August 31, 2009.

- K. **TRI-PARTY AGREEMENT/PALM BEACH COUNTY/DELRAY BEACH HISTORICAL SOCIETY:** Approve an agreement between the City, Palm Beach County and the Delray Beach Historical Society for funding from Palm Beach County in an amount not to exceed \$200,000 for the Hunt House Learning Center and Archival Storage Facility.
- L. **SPECIAL EVENT REQUEST/HALLOWEEN PARADE:** Approve a special event request to allow the Annual Halloween Parade sponsored by the Noontime Kiwanis Club to be held on October 27, 2007 from 1:30 p.m. until approximately 2:15 p.m., including temporary use permit per LDR Section 2.4.6(F) for the rolling closure of Atlantic Avenue from N.E. 1<sup>st</sup> Avenue to Veterans Park, staff support for traffic control and security; contingent upon the receipt of a hold harmless agreement.
- M. **LETTER OF SUPPORT/COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FUNDING FOR FY 2008:** Approve and authorize the Mayor to sign the letter of support for the Community Development Block Grant (CDBG) funding for FY 2008.
- N. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period September 17, 2007 through September 28, 2007.
- O. **AWARD OF BIDS AND CONTRACTS:**
  - 1. NONE.

9. **REGULAR AGENDA:**

- A. **CONDITIONAL USE MODIFICATION REQUEST/SOUTH COUNTY MENTAL HEALTH CENTER:** Consider a conditional use request to allow the construction of five (5) housing facilities which will each have four (4) sleeping rooms with two (2) beds per room for South County Mental Health Center, located at 16158 South Military Trail. (*Quasi-Judicial Hearing*)
- B. **CONDITIONAL USE REQUEST/HISTORIC DEPOT SQUARE:** Consider a conditional use request to allow a multiple family residential development containing a minimum of 25% workforce units and up to 24 dwelling units per acre to be known as Historic Depot Square in the MIC (Mixed Industrial and Commercial) Zoning District located between the CSX Railroad and I-95, south of Lake Ida Road. (*Quasi-Judicial Hearing*)

- C. **WAIVER REQUESTS/CALVARY BIBLE ALLIANCE CHURCH:** Consider a request for waivers to the Land Development Regulations (LDR) Section 6.1.2(A)(2), which requires right-of-way improvements per LDR Section 5.3.1(C) when a project is adjacent to unimproved rights-of-way and a waiver to LDR Section 4.6.9(D)(3)(c)(1), which requires a 50-foot stacking distance along S.W. 11<sup>th</sup> Street associated with a Class IV site plan modification for Calvary Bible Alliance Church, located on the southwest corner of S.W. 10<sup>th</sup> Street and S.W. 8<sup>th</sup> Avenue (898 S.W. 10<sup>th</sup> Street). (*Quasi-Judicial Hearing*)
- D. **REQUEST FOR IN-LIEU PARKING SPACES/DAGONFLY RESTAURANT:** Consider a request from the Dragonfly Restaurant for the purchase of six (6) in-lieu parking spaces in the amount of \$39,000 to accommodate the conversion of use of a historic single family residence to a restaurant. The Dragonfly Restaurant is located at 125 N.E. 1<sup>st</sup> Avenue. (*Quasi-Judicial Hearing*)
- E. **APPOINTMENT OF OUTSIDE COUNSEL/JETPORT II, LLC AND SUN RECYCLING, LLC V. THE CITY OF DELRAY BEACH AND THE DELRAY BEACH CODE ENFORCEMENT BOARD:** Consider the appointment of the law firm of Holland & Knight, LLP as outside counsel for the City in the case of Jetport II, LLC and Sun Recycling, LLC v. The City of Delray Beach and the Delray Beach Code Enforcement Board, at no cost to the City.
- F. **CONTRACT AWARD/ALL-RITE PAVING CONTRACTORS, INC.:** Consider approval of a contract award to All-Rite Paving Contractors, Inc. in the amount of \$135,804.50 for the construction of the west parking lot at the Delray Beach Swim and Tennis Center Project and consider waiving the irregularity of the lack of acknowledgement of Addendum No. 1. Funding is available from 117-4133-572-65.57 (Recreation Impact Fee FD/Swim and Tennis Parking Lot).
- G. **SPECIAL EVENT REQUEST/HOWARD ALAN 1<sup>st</sup> ANNUAL DOWNTOWN DELRAY BEACH NEW YEAR'S EVE CRAFT FESTIVAL:** Consider an approval of a special event request to endorse the 1<sup>st</sup> Annual Downtown Delray Beach New Year's Eve Craft Festival sponsored by Howard Alan Events, Ltd. to be held from 10:00 a.m. to 5:00 p.m. on December 29, 2007 - December 30, 2007, granting a temporary use permit per LDR Section 2.4.6(F) for the closure of N.W. 3<sup>rd</sup> Avenue from Atlantic Avenue north to the south entrance of Atlantic Grove and the Tennis Center Parking lot, to utilize the north lot at the City Hall parking lot for vendor parking, authorize staff support for police traffic control and security, barricading, fire inspector services and event signage to be installed one (1) week prior to event with the sponsor paying all overtime costs; contingent upon receipt of an executed Hold Harmless Agreement.
- H. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate member to the Code Enforcement Board for an unexpired term ending July 14, 2010. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5).

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 31-07 (FIRST READING/FIRST PUBLIC HEARING):** Privately initiated amendment to the Land Development Regulations amending Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”, Subsection 4.4.24(B), Principal Uses and Structures”, to include an additional property that is allowed in the permitted uses of the Central Business District (CBD) Zoning District; amending Subsection 4.4.24(F), “Development Standards”, to include an additional property in the Old School Square Historic Arts District (OSSHAD) that is subject to the standards of the Central Business District (CBD) Zoning District. If passed, a second public hearing will be scheduled for October 16, 2007.

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. **ORDINANCE NO. 48-07:** An ordinance amending Chapter 37, “Delray Beach Code Enforcement,” of the Code of Ordinances by amending Section 37.45, “Supplemental Code Enforcement Procedures”, Subsection 37.45(L), “Recovery of Unpaid Civil Penalties; Unpaid Penalty to Constitute a Lien; Foreclosure”, to provide for the placement of liens due to unpaid citations. If passed, a second public hearing will be scheduled for October 16, 2007.
- B. **ORDINANCE NO. 47-07:** City initiated amendment to the Land Development Regulations (LDR), amending Section 1.4.1, “Interpretation of Land Development Regulations”, Article 2.2, “General Provisions”, Sections 2.2.1, 2.2.4, 2.4.3, 7.1.3, 7.8.9, 7.8.12, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.8.20, 7.8.21, and 7.8.22 and repealing Section 2.25 and 7.8.13 to substitute “Board of Adjustment” for “Board of Construction Appeals”. If passed, a second public hearing will be scheduled for October 16, 2007.

13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

- A. City Manager
- B. City Attorney
- C. City Commission

**POSTED: SEPTEMBER 28, 2007**