

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON AUGUST 22, 2006 6:00 PM

**INVOCATION:**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member M. J. Mike Arts  
Council Member Peter R. Baronoff  
Council Member Bill Hager

**AMENDMENTS TO THE AGENDA:**

**MINUTES:**

Minutes of the Special Meeting of August 4, 2006  
Minutes of the Regular Workshop Meeting of August 7, 2006  
Minutes of the Regular Meeting of August 8, 2006

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

***NOTICE***

*Pursuant to F.S. 286.0105, if any decision of City Council affects you, and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.)*

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Community Relations Board – (1) one student vacancy.
- b. Financial Advisory Board – (2) two vacancies, due to term expirations of Christina A. Hutchison and David Birkman, whose terms expire 08/26/06.
- c. Telecommunications Advisory Board – (2) vacancies, due to term expirations of Frederick H. Kleber and Dale M. Gregory, whose terms expire 09/08/06.
- d. Special Master (Magistrate) – (2) two year term / Supplemental Position

2. Responses to Workshop Information Requests:

3. Consent Agenda:

*(Prior to consideration of a motion to approve the Consent Agenda, the Mayor shall provide for public comment. Those items removed from the Consent Agenda will be considered under Part VII or as otherwise directed by the City Council.)*

a. Sealed Bids

- 1) South Beach Park Walkway  
Requested by Recreation Services  
Hartzell Construction Inc. \$94,540
- 2) Blazing Star Nature Preserve  
Requested by Recreation Services  
Florida Blacktop, Inc. \$374,994

b. Competitive Sealed Proposal

- 1) Mizner Park Property Maintenance  
Requested by Recreation Services  
Rouse Property Management, Inc. \$579,646

c. Intergovernmental Agreement

- 1) Lift Station Repairs  
Requested by Utility Services  
W. Jackson & Sons Construction Co. \$458,200

d. Emergency

- 1) Repair of the 42" Ocean Outfall Pipe  
Requested by Utility Services  
Lanzo Construction Co., Florida \$116,765

e. Resolution No. 117-2006

A resolution of the City of Boca Raton amending Section 10 of Resolution 147-2003; extending the existence of the North Federal Highway Steering Committee; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 118-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Local Agency Program Supplemental Agreement Number 3 for Boca Raton ATMS Implementation (Contract Number AJ311, FIN408198-2-58-01 & 02) with the Florida Department of Transportation for the purpose of (1) opening construction phase, (2) transferring \$250,000 design funds to construction and (3) incorporating \$1,410,000 of high priority project construction funds; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 119-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 6 with Camp Dresser & McKee Inc. for the purpose of providing professional engineering services for the rehabilitation of the Lime Softening Facility at the Water Treatment Facility; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 120-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Gray-Calhoun and Associates, Inc. for the purpose of approving an assignment of the rights and responsibilities under the contract from Gray-Calhoun and Associates, Inc., to Vanus Inc.; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 121-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to an Agreement with Kaufman Lynn, Inc. General Contractors for the purpose of amending the Guaranteed Maximum Price (GMP); providing for severability; providing for repealer; providing an effective date

j. Resolution No. 123-2006

A resolution of the City of Boca Raton supporting further study of the construction of a new interchange on Florida's Turnpike in Boca Raton; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 124-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Pierce Goodwin Alexander & Linville, Inc. for the purpose of providing construction administration for the hardening and renovation of the 6500 Building; providing for severability; providing for repealer; providing an effective date

I. Board Resignations

- 1) Resignation of Wilma Greenfield from the Elder Affairs Advisory Board
- 2) Resignation of Robert J. Daniels from the General Employees Pension Board
- 3) Resignation of Mary Lou Yeager from the Civil Service Board
- 4) Resignation of Warren Adams from the Pearl City Blue Ribbon Committee

m. Receive and File Board Minutes – August 22, 2006

- 1) Community Appearance Board  
July 25, 2006
- 2) Downtown Visions Committee  
January 18, 2006
- 3) Elder Affairs Advisory Board  
July 5, 2006
- 4) Executive Employees' Retirement Plan Board  
April 17, 2006
- 5) Historic Preservation Board  
May 10, 2006 (workshop)  
May 16, 2006
- 6) Planning and Zoning Board  
June 22, 2006
- 7) Police and Firefighters' Pension Board  
May 25, 2006

**REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:**

*(Prior to consideration of a motion to approve the quasi-judicial consent agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing.)*

4. Resolution No. 122-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the 1800 North Military Trail subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 04-08)

---

*(If you are planning to speak during any public hearing under Part II-B, Part III, or Part IV, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any public hearing under Part II-B will be governed by the "quasi-judicial procedures" attached to this agenda.)*

**REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:**

5. Resolution No. 115-2006

A resolution of the City of Boca Raton granting conditional use approval for a 3,019 square foot Pei-Wei Asian Diner restaurant on a parcel of land located at 1900 NE 5<sup>th</sup> Avenue, as described more particularly herein; granting a technical deviation for off-street parking; providing for severability; providing for repealer; providing an effective date (CA-06-05)

6. Resolution No. 116-2006

A resolution of the City of Boca Raton granting a modification of the site plan for an expansion to the square footage at the Town Center at Boca Raton Mall located at 6000 Glades Road; as more particularly described herein; granting a technical deviation for off-street parking; providing for severability; providing for repealer; providing an effective date (SC-06-10)

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

7. Ordinance No. 4946 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the housing element of the Comprehensive Plan to support the provision of workforce housing; providing for severability; providing for repealer; providing an effective date (SC-06-05)

8. Ordinance No. 4951 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan; amending Policy LU.1.1.2: to provide for an intensity standard for neighborhood retail uses within the Residential High Future Land Use category; adding Objective LU.1.14.0 to promote the redevelopment of the East Palmetto Park Road Corridor as a seaside village; adding Policy LU.1.14.1 to permit neighborhood retail uses in the High Density Residential Future Land Use category located in the East Palmetto Park Road Corridor and make appropriate amendments to the land development regulations; providing for severability; providing for repealer; providing an effective date (SC-06-07)

9. Ordinance No. 4952 (*First of two required public hearings.*)

An ordinance of the City of Boca Raton, Florida, providing for neighborhood retail as a conditional use within the R-5 zoning district adjacent to Palmetto Park Road east of the Intracoastal Waterway; providing for appropriate revisions to the sign regulations in the R-5 zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-05-07)

**REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:**

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

*(Rule 1.13 of the City Code states that the Council shall not grant leave to any person to speak on any ordinance which is listed for the purpose of introduction only.)*

10. Ordinance No. 4955

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 Budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4956

An ordinance of the City of Boca Raton authorizing the imposition and collection of Fire Services assessments for parcels within the City deriving a special benefit; providing certain definitions relevant to Fire Services Assessments; establishing a procedure for the imposition of Fire Services Assessments; providing that Fire Services Assessments constitute a lien on assessed property upon adoption of an assessment roll; providing that a perfected Fire Services Assessment lien shall be equal in rank and dignity with the liens of all State, County, District, or Municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles, and claims; authorizing the imposition of interim assessments; providing a procedure for the collection of Fire Services Assessments; providing a mechanism for the imposition of assessments on government property; providing for severability; providing for repealer; providing an effective date

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

*(If you are planning to speak during public requests, please state your name and address for the record and limit your remarks to five (5) minutes.)*

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

**CITY ATTORNEY REPORTS:**

**MAYOR AND COUNCIL MEMBER REPORTS:**

**ADJOURNMENT:**

### Quasi-Judicial Public Hearing Procedures

1. Any hearing listed on the agenda, as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the City Council is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials, which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the City Council will announce for the record any “ex parte” contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The City Attorney will announce that each applicant requesting approval, relief or other action from the City Council, planning and zoning board, community appearance board, or the zoning board of adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City Clerk will administer an oath to all persons who intend to testify at this hearing. **Any person who intends to testify at this hearing is asked to fill out a card, which can be found in the rear of the Council Chamber.** The purpose of this card is to provide an accurate record of an appearance at this hearing. Please hand the card to one of the clerks in the front of the chamber.
5. The City staff will make an initial presentation. The petitioner will then make a presentation. During the staff and petitioner’s presentation, only the members of the City Council are permitted to ask questions.
6. After the petitioner’s presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the City Council are permitted to ask questions.
7. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing.** Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
8. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
9. The Mayor will then declare the public hearing closed, and a motion will be made regarding the matter. The Council will then proceed to discuss the matter and vote on the matter.