

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 27, 2007 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 Regular Workshop Meeting of February 12, 2007  
Minutes of the Regular Meeting of February 13, 2007

## 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:

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 Bid

- |    |   |           |
|----|---|-----------|
| 1) | Reclaimed Water Polymer<br>Requested by Utility Services<br>KED Group, Inc.                 | \$56,140  |
| 2) | Hughes Park Improvements<br>Requested by Development Services<br>Hartzell Construction Inc. | \$129,711 |

b. Intergovernmental Agreement

- |    |   |          |
|----|---|----------|
| 1) | Pavement Markings<br>Requested by Municipal Services<br>Transmark Inc.  | \$55,000 |
| 2) | Posi Track Multi Terrain Loader<br>(Replacement)<br>Requested by Municipal Services<br>Ring Power Corporation | \$65,186 |
| 3) | Sodium Hydroxide<br>Requested by Utility Services<br>Allied Universal Corp.                                   | \$69,800 |
| 4) | Coagulant Aid<br>Requested by Utility Services<br>Tropichem Enterprises                                       | \$80,800 |

c. Sole Source

- |    |   |          |
|----|---|----------|
| 1) | Traffic Pre Emption System<br>Requested by Fire-Rescue Services<br>3M Company | \$87,125 |
|----|---|----------|

d. Final Assessment Resolution No. 04-F

A resolution of the City of Boca Raton providing for the acceptance of certain improvements, including the construction of a wastewater collection system and other improvements in an area generally known as Area II; providing for billing of the special assessments and impact fees; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 20-2007

A resolution of the City of Boca Raton opposing Florida House Bill 529, known as the "Consumer Choice Act of 2007"; urging members of the Florida Legislature to refrain from any form of support or co-sponsorship of HB529 and to vote in opposition to HB529; requesting Governor Crist to advise the House and Senate leadership that he does not support HB529 in advance of the opening of the 2007 Regular Session; and directing that this resolution be forwarded to Governor Crist, the Palm Beach County Legislative Delegation, the Palm Beach County League of Cities, the Florida League of Cities, and the Palm Beach County Board of County Commissioners; providing for severability; providing for repealer; providing an effective date

f. Receive and File Board Minutes – February 27, 2007

- 1) Community Appearance Board  
January 23, 2007  
January 30, 2007  
February 6, 2007
- 2) Community Relations Board  
January 8, 2007
- 3) Environmental Advisory Board  
September 21, 2006
- 4) Financial Advisory Board  
November 20, 2006
- 5) Library Advisory Board  
December 20, 2006
- 6) North Federal Highway Steering Committee  
November 7, 2006
- 7) Parks and Recreation Board  
January 9, 2007
- 8) Pearl City Blue Ribbon Committee  
October 26, 2006
- 9) Physically and Mentally Challenged Board  
January 4, 2007
- 10) Telecommunications Advisory Board  
December 4, 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. 18-2007

A resolution of the City of Boca Raton accepting and approving the final plat known as the Lynn Financial Center subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-05-02)

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*(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. 14-2007

A resolution of the City of Boca Raton granting the petition of Vander Ploeg and Associates, Inc., for modifications to the approved master plan for Library Commons, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-04-02R1)

6. Resolution No. 15-2007

A resolution of the City of Boca Raton granting conditional use approval for a convenience store with gasoline sales for the Spanish River Chevron on a parcel of land located at 4055 North Federal Highway, providing for severability; providing for repealer; providing an effective date (CA-06-06)

*(The public hearing on Items 7 and 8 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4963. A separate vote will be taken on each petition.)*

7. Ordinance No. 4962 *(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.607 acres, more or less, located at 8300 Congress Avenue as more specifically described herein, from Manufacturing Industrial (IM) to Commercial (C); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/SC)

8. Ordinance No. 4963

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 1.607 acres, more or less, located at 8300 Congress Avenue, as described more particularly herein, from Manufacturing and Industrial to Motel-Business; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/ZC)

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

*(The public hearing on Items 9 and 9.a. will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each petition.)*

9. Ordinance No. 4972

An ordinance of the City of Boca Raton related to commercial solid waste collection services amending Chapter 14, Code of Ordinances; providing for definitions, non-exclusive franchises for commercial solid waste collection services, regulations and requirements for commercial solid waste collection services franchises, rates and fees for said franchises; amending Sections 2-92 and 2-113, Code of Ordinances, to provide that violations of said provisions shall be within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 17-2007

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

10. Ordinance No. 4973

An ordinance of the City of Boca Raton repealing Section 19-101, Code of Ordinances, Alternative Permitting Process; providing for severability; providing for repealer; providing for codification; providing an effective date

**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.)*

**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:**

**QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:**

11. Resolution No. 19-2007

A resolution of the City Council of the City of Boca Raton considering the appeal filed by Peter B. McAllister of the decision of the Community Appearance Board to approve with conditions Permit No. 06-13517 (wall sign) for the property located at 10 East Boca Raton Road; providing for severability; providing for repealer; providing an effective date

**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.