

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JUNE 28, 2005 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Joint Public Meeting of May 19, 2005
Minutes of the Regular Workshop Meeting of June 13, 2005
Minutes of the Regular Meeting of June 14, 2005

PRESENTATION:

Commuter Challenge Award – Presented to the City by South Florida Commuter Services

PROCLAMATIONS:

Parks and Recreation Month – July 2005

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. Builders' Board of Adjustment and Appeals – one (1) vacancy, due to term expiration of Robert L. Welch (Electrical Contractor), whose term expired 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Barbara Safranek, whose term expires 01/12/07.
- c. Community Relations Board – two (2) vacancies, due to term expirations of Nancy Sneider and Bruce P. Foster, whose terms expire 07/25/05.
- d. Education Advisory Board – three (3) vacancies, (2) vacancies due to term expirations of Cynthia R. Kamen and Yuri Konnikov, whose terms expire 07/28/05, and (1) vacancy due to resignation of Nancy Sneider, whose term expires 07/28/06.
- e. Historic Preservation Board – three (3) vacancies, due to term expirations of Cynthia Brown (B.R. Historical Society), Michael Wirtz (at large member), and Lois D. Martin (at large member), whose terms expire 07/01/05.

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) Trees & Shrubs (Deliver remove and/or install)
Requested by Recreation Services
Conco Horticultural, Inc. \$39,441
- 2) Tennis Balls
Requested by Recreation Services
Wilson Racquet Sports \$39,600
- 3) Traffic Video Encoders
Requested by Municipal Services
VBRICK Systems Inc. \$65,000
- 4) Hauling & Disposal of Spent Lime
Requested by Utility Services
Stanford & Sons Truck Corp. \$130,070
- 5) Fence Installation & Repair Services
Requested by Recreation Services
Utility Services
Municipal Services
Hartzell Construction, Inc., Clipco Inc. d/b/a
Anything in Fence, & Accurate Tennis Courts, Inc. \$134,875

- b. Sealed Bid - Renewal
 - 1) Bulk Quicklime - Renewal
Requested by Utility Services
Carmeuse Lime & Stone \$681,000
- c. Intergovernmental Agreements
 - 1) Court Resurfacing
Requested by Recreation Services
McCourt North Construction Corporation \$28,062
 - 2) Carbon Dioxide
Requested by Utility Services
Airgas Carbonic, Inc. \$30,000
- d. Sole Source
 - 1) Lamp Fixtures
Requested by Municipal Services
Spero Electric Corporation \$28,230
 - 2) Access Control System for Fire Rescue Station #3 & #4
Requested by Fire Rescue Services
Johnson Controls, Inc. \$101,662

e. Resolution No. 107-2005

A resolution of the City of Boca Raton; relating to the levy of special assessments against the lands and real estate within the downtown special assessment district of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an Equalizing Board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 108-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Roasted Coffee Depot Co. for the purpose of coffee and food service at the Boca Raton Public Library and City Hall; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 109-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the U.S. Departments of Justice and Treasury for the purpose of participation in the Federal Equitable Sharing Program; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 110-2005

A resolution of the City of Boca Raton repealing Resolution 92-2005; authorizing the City Manager to execute a renewal of, and amendments to, the Agreement with Grant Thornton LLP for the purpose of providing internal audit services; amending Article 12 and Attachments A and B of the Agreement; deleting Articles 6 and 22 of the Agreement; adding a new Article 22; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 114-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Transportation for the development and implementation of a Transportation Management Initiative in Boca Raton, Florida; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 115-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Robert J. Ruiz for the purpose of procuring independent inspector/contractor services for building inspection and plan review services; providing for severability; providing for repealer; providing an effective date

k. Board Resignations

- a. Resignation of Scott Borchers from the Citizens' Pedestrian and Bikeway Advisory Board
- b. Resignation of Thomas Salzman from the North Federal Highway Steering Committee

l. Receive and File Board Orders

- 1) Zoning Board of Adjustment
 - a) Resolution No. BA-05-02

m. Receive and File Board Minutes – June 28, 2005

- 1) A1A Landscape Task Force
May 25, 2005
- 2) Community Appearance Board
May 17, 2005
May 24, 2005
May 31, 2005
June 7, 2005
- 3) Community Relations Board
January 10, 2005
- 4) Downtown Visions Committee
December 6, 2004
- 5) General Employees' Pension Board
April 14, 2005

- 6) North Federal Highway Steering Committee
May 3, 2005
- 7) Parks and Recreation Board
May 3, 2005
- 8) Physically and Mentally Challenged Board
May 5, 2005
- 9) Planning and Zoning Board
May 5, 2005
- 10) Special Master
April 13, 2005
- 11) Zoning Board of Adjustment
May 12, 2005

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

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

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

4. Resolution No. 106-2005

A resolution of the City of Boca Raton; granting the petition of Global Group Investments, Inc. for an extension to the buildout date for the Boca Commerce Center Development of Regional Impact; for a determination that the revisions do not constitute a substantial deviation requiring further Development of Regional Impact review; amending Resolution No. 226-96, as amended by Resolution No. 85-97, known as the Boca Commerce Center Development of Regional Impact Development Order, subject to conditions; and constituting this resolution as a Development Order by the City of Boca Raton in compliance with law; providing for severability; providing for repealer; providing for an effective date; providing for an expiration date (SC-04-09)

(The public hearing on Items 5 and 6 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

5. Ordinance No. 4876

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 2.895 acres, more or less, located at 2100 NW 5th Avenue, as described more particularly herein, from R-3-C (Multifamily Residential) to PUD/R-5 (Planned Unit Development/Multi-Family Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-12/ZC)

6. Resolution No. 98-2005

A resolution of the City of Boca Raton granting a Planned Unit Development with a master plan for the proposed Addison Park Townhomes Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-12/PUD/ZC/SC/SPA)

(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. 4835. A separate vote will be taken on each petition.)

7. Ordinance No. 4834 (Second of two required public hearings – 4 votes required 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 217 acres, more or less, located at Military Trail and Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to PI (Public and Private Institutional); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-05)

8. Ordinance No. 4835

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 217 acres, more or less, located generally east of Military Trail and north and south of Spanish River Boulevard, as described more particularly herein, from Light Industrial and Research Park District (LIRP) to Public Land District (PL); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (ZC-04-02)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

9. Ordinance No. 4879

An ordinance of the City of Boca Raton amending Section 13-100, Code of Ordinances, to revise the definition of “weapon”; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 4880

An ordinance of the City of Boca Raton amending Chapter 9 of the Code of Ordinances, entitled “Miscellaneous Offenses”; to create Article V to be entitled “Sexual Offenders and Sexual Predators”; to prohibit sexual offenders and sexual predators convicted of crimes under certain Florida Statutes from living within 1,500 feet of specified locations within the City of Boca Raton and providing for penalties; 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.)

11. Ordinance No. 4881

An ordinance of the City of Boca Raton amending Section 2-328; Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4882

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to adult entertainment establishments ("Regulated Uses"); adding Regulated Uses to the list of permitted uses in W-1 and M-3 zoning districts; deleting Regulated Uses from the list of permitted uses in R-B-1, B-1, B-2, B-4, or C-1 zoning districts; amending definitions related to Regulated Uses; establishing intent and purpose and regulations related thereto, providing for severability; providing for repealer; providing for codification; 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:

QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION

13. Resolution No. 111-2005

A resolution of the City Council of the City of Boca Raton denying the appeal of Eire Lonestar, Florida LLC; denying a variance reducing rear and side yard setbacks from ten feet to five feet for covered parking spaces at 2701/2799 NW Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date (BA-04-03)

14. Resolution No. 112-2005

A resolution of the City Council of the City of Boca Raton granting the appeal of Boca Village LLC; authorizing approval of a sign design criteria program at 690 Yamato Road; providing for severability; providing for repealer; providing an effective date

15. Resolution No. 113-2005

A resolution of the City Council of the City of Boca Raton granting the appeal of Shoppes of Blue Lake II; authorizing approval of a sign design criteria program at 1200 Yamato Road; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

16. Termination of the Alternative Permitting Agreement with the Boca Raton Resort & Club
17. Naming of the Dog Park

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.