

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 9, 2003 6:00 PM

## INVOCATION:

## PLEDGE OF ALLEGIANCE TO THE FLAG:

## ROLL CALL:

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Dave Freudenberg  
Council Member Bill Hager  
Council Member Susan Haynie

## AMENDMENTS TO THE AGENDA:

## PROCLAMATIONS/PRESENTATIONS:

Presentation of Holiday Ornament - Boca Raton Garden Club  
Presentation by the Pioneer Club

## MINUTES:

Minutes of the Regular Workshop Meeting of November 24, 2003  
Minutes of the Regular Meeting of November 25, 2003

## **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. Citizens' Pedestrian and Bikeway Advisory Board – three (3) vacancies: (2) due to term expirations of Anita Pearson and Neil Meisel, whose terms expire 01/12/04 and (1) due to resignation of Jerome L. Wolf, whose term expires 01/12/04.

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. Competitive Sealed Proposal

- 1) Fire Rescue Station #8  
Requested by Fire Rescue Services  
McTeague Construction Co., Inc. \$1,635,000

b. Intergovernmental Agreement

- 1) Fire Hoses (Replacement)  
Requested by Fire Rescue Services  
Elite Fire and Safety, Inc. \$31,636
- 2) Light Bars and Sirens  
Requested by Municipal Services  
Law Enforcement Supply Company \$35,254
- 3) Computerized Signal System for Advanced Traffic  
Management System (ATMS)  
Requested by Municipal Services  
Naztec, Inc. \$261,945

c. Sole Source

- 1) Traffic Preemption System  
Requested by Fire Rescue Services  
3M Company \$53,436

d. Resolution No. 221-2003

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in March 2004; rescheduling the first workshop and regular meetings in October 2004; and canceling the second workshop and regular meetings in December 2004; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 222-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Avirom and Associates, Inc. for the purpose for Capital Improvement Projects providing for severability; providing for repealer; providing an effective date

f. Resolution No. 224-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation, pursuant to the Highway Safety Fund Program, for a Speed Monitoring Awareness Program; authorizing the acceptance of said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 225-2003

A resolution of the City of Boca Raton approving and accepting an easement deed from Eire Lonestar Florida, L.L.C., over certain lands located at 2840 N.W. 2<sup>nd</sup> Avenue; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 227-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the survey for the Erosion Control Line, between the Department of Environmental Protection reference monuments R-213 and R-222, which Erosion Control Line Survey ("Survey") has been approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; approving the Survey; authorizing the City Manager to record the Survey; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 228-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Department of Environmental Protection for the purpose of reimbursable funding for engineering, design and construction of the Central Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 229-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Fifth Amendment to the Agreement with Smith & Ballard, P.A. for the purpose of providing professional services; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 230-2003

A resolution of the City of Boca Raton approving the City's Year 2004 Federal legislative and funding priorities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 231-2003

A resolution of the City of Boca Raton approving the City's Year 2004 State legislative and funding priorities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 232-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to approve a Memorandum of Understanding with South Florida Regional Transportation Authority relating to an intermodal station at a location south of Yamato Road; providing for severability; providing for repealer; providing an effective date

n. Receive and File Board Minutes – December 9, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
October 20, 2003
- 2) Community Appearance Board  
October 28, 2003
- 3) Community Relations Board  
October 20, 2003
- 4) Education Advisory Board  
October 27, 2003
- 5) Financial Advisory Board  
September 15, 2003
- 6) Historic Preservation Board  
October 21, 2003
- 7) Pearl City Blue Ribbon Committee  
October 23, 2003

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*(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 – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:**

*(The public hearing on Items 4 through 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.)*

4. Ordinance No. 4746

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as more specifically described herein, from Residential Low (RL) 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-03-02 SC/ZC/SUB/SPA)

5. Ordinance No. 4747

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as described more particularly herein, from R-1-D to B-1; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

6. Resolution No. 223-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Quality Care Subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

7. Resolution No. 218-2003

A resolution of the City of Boca Raton granting conditional use approval for a commercial node master plan on a parcel of land located at 690 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-12)

8. Resolution No. 219-2003

A resolution of the City of Boca Raton granting conditional use approval for a clubhouse for Broken Sound Club, Inc. located at 1401 NW 51<sup>st</sup> Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date

9. Resolution No. 220-2003 *(Title corrected for scrivener's error)*

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to the Peninsula Corporate Center Development of Regional Impact, and constituting an amendment and a non-substantial deviation thereto; reducing the amount of office space, eliminating restaurant and bank uses; adding residential uses; modifying Condition 38; modifying Exhibit "B" (the master plan for Peninsula Corporate Center); modifying Exhibit "C" (table calculating office equivalency factors); 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 an effective date; providing an expiration date (SC-03-03 and SC-03-05)

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

10. Ordinance No. 4758

An ordinance of the City of Boca Raton relating to required off-street parking; amending Section 28-1655, Code of Ordinances, to delete libraries from Section 28-1655(h), Code of Ordinances, and to establish new off-street parking requirements for libraries in Section 28-1655(kk), Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-03-06)

11. Ordinance No. 4759

An ordinance of the City of Boca Raton amending Sections 2-132, 18-27, 18-72, 18-74, 28-56, 28-131(8)(c), Code of Ordinances, and creating Section 19-310 and Subsection 2-121(6), Code of Ordinances, to establish and/or amend fees and requirements for various applications, appeals, and inspections; 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.)*

12. Ordinance No. 4760

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.95 acres, more or less, located at 6951 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Land Use Map; granting a technical deviation for a driveway; providing for severability; providing for repealer; providing an effective date

13. Ordinance No. 4761

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 3.97 acres, more or less, located at 6951 North Federal Highway, as described more particularly herein, from R-B-1 (Motel Business) and B-4 (General Business) to R-3/PUD (Multifamily Residential/Planned Unit Development); providing for the appropriate revisions of the zoning district map; 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.