

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 28, 2006 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 Regular Workshop Meeting of February 13, 2006
Minutes of the Special Meeting of February 13, 2006
Minutes of the Regular Meeting of February 14, 2006

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Red Cross Month – March 2006

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 – two vacancies; one term expires 01/12/07 and one term expires 01/12/09.
- b. Community Relations Board – two vacancies; one term expires 07/25/07 and one term expires 07/25/08.
- c. Marine Advisory Board – two vacancies due to term expirations of Thomas Thayer (Coast Guard Auxiliary) and Art Grossman (Condo-adjacent Inland Waterway), whose terms expire 03/20/06.
- d. Special Master – two vacancies due to term expirations of Michael J. Gelfand and Cormac C. Conahan, whose terms expire 03/21/06.

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) Landscape Maintenance Services for North Section
Requested by Recreation Services
Custom Care, Inc. \$113,724

b. Competitive Sealed Proposal

- 1) Coach Bus Transportation Service for Summer Camp & GAP Programs-Renewal
Requested by Recreation Services
American Coach Lines of Miami, Inc. \$133,920

c. Sealed Bid - Renewals

- 1) Landscape Maintenance Services for El Rio Bicycle/Pedestrian Corridor-Renewal
Requested by Recreation Services
Complete Property Services \$29,866
- 2) Landscape Maintenance Services for East Section-Renewal
Requested by Recreation Services
Lucky Lawns, Inc. \$100,182
- 3) Landscape Maintenance Services for Downtown Section-Renewal
Requested by Recreation Services
Lucky Lawns, Inc. \$172,160

- | | | |
|------|--|-----------|
| 4) | Landscape Maintenance Services for
Central Section-Renewal
Requested by Recreation Services
Lucky Lawns, Inc. | \$188,588 |
| 5) | Landscape Maintenance Services for
South Section-Renewal
Requested by Recreation Services
Superior Landscaping & Lawn Service, Inc. | \$194,739 |
|
 | | |
| d. | <u>Intergovernmental Agreement</u> | |
| 1) | Microsoft Licenses
Requested by City Manager
Software House International | \$97,006 |
| 2) | Anhydrous Ammonia
Requested by Utility Services
Tanner Industries, Inc. | \$33,920 |
| 3) | Coagulant Aid
Requested by Utility Services
Tropichem Enterprises | \$61,000 |
| 4) | SCBA Airpaks & Cylinders (Replacement)
Requested by Fire-Rescue Services
Fisher Scientific Company, LLC. | \$171,387 |
| 5) | Portable Generators
Requested by Utility Services
Standby Systems Inc. | \$258,570 |
|
 | | |
| e. | <u>Resolution No. 29-2006</u> | |
| | A resolution of the City of Boca Raton amending the name of a street in Golden Harbour; providing for conditions to the amendment; providing for severability; providing for repealer; providing an effective date | |
|
 | | |
| f. | <u>Resolution No. 30-2006</u> | |
| | A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Quit Claim Deed to Boca 1515, on certain lands located at 1515 South Federal Highway; providing for severability; providing for repealer; providing an effective date | |
|
 | | |
| g. | <u>Resolution 31-2006</u> | |
| | A resolution of the City of Boca Raton authorizing the City Manager to apply for a Hurricane Reforestation Program grant from Keep Palm Beach County Beautiful, Inc. for damages to the urban tree canopy as a result of hurricanes; 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 | |

h. Resolution No. 32-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amended and Restated Interlocal Agreement with Palm Beach County for the purpose of co-utilization of the County's surplus thrift store for the disposal of the City's surplus tangible property; terminating the Interlocal Agreement with Palm Beach County approved by Resolution No. 10-2001; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 33-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the Edward Byrne Memorial Justice Assistance Grant (JAG) 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

j. Receive and File Board Orders

- 1) Zoning Board of Adjustment
 - a. Resolution No. BA-05-11
 - b. Resolution No. BA-05-12
 - c. Resolution No. BA-05-13
 - d. Resolution No. BA-06-01

k. Receive and File Board Minutes – February 28, 2006

- 1) Building Height Subcommittee of Planning & Zoning Board
August 5, 2004
December 19, 2005
- 2) Community Appearance Board
January 24, 2006
January 31, 2006
February 7, 2006
- 3) Financial Advisory Board
November 21, 2005
- 4) General Employees' Pension Board
December 15, 2005
- 5) Library Advisory Board
December 14, 2005
- 6) Parks and Recreation Board (Joint Meeting with Greater B R Beach & Park District)
January 10, 2006
- 7) Physically and Mentally Challenged
January 5, 2006
- 8) Telecommunications Advisory Board
January 3, 2006

- 9) Zoning Board of Adjustment
October 5, 2005
November 10, 2005
January 12, 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.)

(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:

(The public hearing on Items 4 through 7 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4910. A separate vote will be taken on each ordinance.)

4. Ordinance No. 4907 *(Revised 2/28/06) (Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by adding provisions for mixed use development along the North Federal Highway Corridor; providing for the deletion of the Highland Beach Wellfield Protection Area from Map 12 of the Comprehensive Plan Map Series; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-05-13)

5. Ordinance No. 4908 *(Revised 2/28/06)*

An ordinance of the City of Boca Raton amending Chapter 28, “Zoning,” Article XIII, “Miscellaneous Districts,” Code of Ordinances, to establish a new Division 6, “VC Village Center” zoning district, and to establish its symbol, purpose, application and procedure, permitted uses, maximum density and intensity, maximum height, size, minimum landscaped yards, minimum open space and landscaping, street network and connectivity, transportation demand management requirements, and design and performance standards; providing definitions; amending Article IV, “Development Regulations” Section 23-162, “Sidewalk Policy,” to establish sidewalk requirements for the VC district and North Federal Highway north of Yamato Road; amending Section 23-190, “Driveways and Off-Street Parking Facilities Other Than Single-Family or Duplex,” to establish driveway classifications within the VC zoning district; amending Article IV, “Development Regulations,” Division 8, “Transportation Demand Management,” Section 23-243, “Scope of Division” in order to establish standards for the VC zoning district; amending Article VI, “Conditional Land Use Amendments and Rezoning”, Section 23-353, “Application and Procedure”; amending Chapter 28, “Zoning,” Article VIII, “Zoning Districts Generally,” Section 28-301; amending Section 28-307, “Building Intensity”, to establish a nonresidential floor area ratio for the Village Center district; amending Article XV, “Supplementary District Regulations”, Section 28-1354, “Porches, Terraces, Pool Decks”, to clarify the districts in which it applies; amending Section 28-1356, “Fences, Walls, and Hedges”, to establish the maximum height of fences, walls, and hedges in the Village Center district; amending Article XVI, “Off-Street Parking and Loading”, Section 28-1655, “Required Off-Street Parking,” to establish the quantity of required parking

spaces in the Village Center district; providing for severability; providing for repealer; providing for codification; providing an effective date (ZC-05-03)

6. Ordinance No. 4909 (Revised 12/13/05) (Second of two required public hearings.)
(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 20.29 acres, more or less, generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Commercial (C) to Mixed Use (MU); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-04/SC)

7. Ordinance No. 4910

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 20.29 acres, more or less, located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Motel-Business (R-B-1) and General Business (B-4) to Village Center (VC); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-04/ZC)

(The public hearing on Items 8 and 9 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4924. A separate vote will be taken on each petition.)

8. Ordinance No. 4923 (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 6.52 acres, more or less, located generally east of Military Trail and south of 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-05-16)

9. Ordinance No. 4924

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 6.52 acres, more or less, located generally east of Military Trail 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-05-04)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

10. Ordinance No. 4922

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System; amending Section 12-154, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 4925

An ordinance of the City of Boca Raton amending the Code of Ordinances, relating to the Executive Employees' Retirement Plan; amending Sections 12-160 and 12-162, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4926

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan; amending Section 12-84, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

13. Ordinance No. 4927

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: the School District of Palm Beach County Six-Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; 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.)

14. Ordinance No. 4929

An ordinance of the City of Boca Raton amending Chapter 19, Code of Ordinances, to be consistent with the Florida Building Code; amending Section 19-43, Code of Ordinances, to clarify construction site maintenance requirements; creating Section 19-70, Code of Ordinances, and amending Sections 19-62 and 19-75, Code of Ordinances, to provide for proceedings before the Builders' Board of Adjustment and Appeals related to fraud and willful building code violations and to provide for penalties for such fraud and violations; amending Section 19-92, Code of Ordinances, to provide consistency with Florida Statutes regulating the scope of owner-builder permits; deleting Sections 19-128, 19-171, and 19-197, Code of Ordinances, to be consistent with the Florida Building Code; providing for severability; providing for repealer; providing for codification; providing an effective date

15. Ordinance No. 4930

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of the George A. Long Alley right-of-way, located between S.E. 8th and S.E. 9th Streets, west of South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-05)

16. Ordinance No. 4931

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-10)

17. Ordinance No. 4932

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-11)

18. Ordinance No. 4933

An ordinance of the City of Boca Raton creating Article VII "Impact Fees" of Chapter 23 "Planning and Development" of the City Code of Ordinances including Division I "Generally" that includes provisions for findings; and including Division II "Parks and Recreation Impact Fees," including provisions for Payment of Fees; Definitions; Disposition of Fees; Independent Impact Analysis; Refunds; and Credits; providing for repeal of Division 2. "Land Dedication" of Article IV "Development Regulations" of the City of Boca Raton Code of Ordinances; 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

19. Resolution No. 34-2006

A resolution of the City Council of the City of Boca Raton granting the appeal of Ruden, McClosky, Smith, Schuster & Russell, P.A., on behalf of Commerce Bank; authorizing the approval of a wall sign for its bank facility at 2390 North Federal Highway pursuant to Permit No. 05-9615; 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.