

## AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JUNE 13, 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 Goal Setting Sessions of April 20, 2006 and April 21, 2006  
Minutes of the Joint Meeting of City Council and  
The Greater Boca Raton Beach & Park District – May 9, 2006  
Minutes of the Regular Workshop Meeting of May 22, 2006  
Minutes of the Regular Meeting of May 23, 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. Advisory Board for the Physically & Mentally Challenged – one (1) vacancy, due to resignation of Joan C. Daly whose term expires 01/23/09.
- b. Builders' Board of Adjustment & Appeals – one (1) vacancy, due to resignation of Andrew Conger (At-large) whose term expires 02/15/08.
- c. Citizens' Pedestrian & Bikeway Advisory Board – two (2) vacancies, due to resignations of Anita Pearson and Ed Rowan whose terms expire 01/12/07 and 01/12/09, respectively.
- d. Community Relations Board – two (2) vacancies, due to term expirations of Karen J. Posner and Deborah A. Carman whose terms expire 07/25/06.
- e. Education Advisory Board – four (4) vacancies, three due to term expirations of Kim Parker, Joan U. Upshaw, and Jeraldine K. Traxler whose terms expire 07/28/06; one due to resignation of Layla Amjadi (student ex-officio member).
- f. Elder Affairs Advisory Board – one (1) vacancy, due to resignation of Sarah Bialy whose term expires 2/14/08.
- g. Historic Preservation Board – four (4) vacancies, due to term expirations of Howard McCall (A1A), Merle Haber (At-large), Donald Curl (At-large), and Kathleen Altizer (At-large) whose terms expire 07/01/06.
- h. Library Advisory Board – two (2) vacancies, due to term expirations of Robert C. Keltie and Elizabeth E. Grinnan whose terms expire 08/10/06.
- i. Parks & Recreation Advisory Board – four (4) vacancies, due to term expirations of Joseph Good, Gordon J. Gilbert, Peter W. Boylan, and Edward D. Adams, Jr. whose terms expire 07/31/06.
- j. Telecommunications Advisory Board – one (1) vacancy, due to resignation of Neil D. Eisner whose term expires 09/08/08.

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 Proposals

- 1) Overhead Door, Gate and Operator Maintenance Requested by Municipal Services Recreation Services Electronic Door Lift, Inc. \$42,630

2)	Generator Services for Emergency & Stand-by Units Requested by Utility Services All Power Generator Corp., Power Pro-Tech Service, Inc.	\$71,835
b.	<u>Intergovernmental Agreements</u>	
1)	Backflow Prevention Devices Requested by Utility Services Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks	\$39,871
2)	Road Construction Materials Requested by Municipal Services Recreation Services Utility Services Austin Tupler Trucking Hardrives of Delray	\$70,000
3)	By-Pass Pumps-New Requested by Utility Services Acme Dynamics, Inc.	\$106,241
4)	Fire Hydrants Requested by Utility Services Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks	\$121,200
5)	Automobiles and Light Trucks (Replacement) Requested by Municipal Services Don Reid Ford, Duval Ford, Maroone Chrysler-Jeep, Orville Beckford Ford	\$182,354
6)	Recycling Trucks (Replacement) Requested by Municipal Services Container Systems & Equipment Company	\$778,090
c.	<u>Sole Source</u>	
1)	Solinet/OCLC (Online Computer Library Center) Services Requested by Recreation Services Southeastern Library Network, Inc.	\$34,882
2)	Traffic Video Detection Equipment (Replacement) Requested by Municipal Services Iteris Inc.	\$35,539
3)	Emergency Care Simulator Requested by Fire-Rescue Services Medical Education Technologies, Inc. (METI)	\$39,603

- 4) Illuminated Street Name Signs Upgrade  
Requested by Municipal Services  
Temple Inc. \$40,000
- d. Emergency
- 1) Tarps  
Requested by Municipal Services  
Grainger \$134,950
- e. Resolution No. 81-2006  
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Camp Dresser & McKee Inc. for the purpose of providing technical services on an as-needed and periodic basis related to the Water Treatment Facility; providing for severability; providing for repealer; providing an effective date
- f. Resolution No. 82-2006  
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Construction Access, Usage and Maintenance License to PD Boca Raton, LLC, for use of portions of City-owned property located at 400 NW Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 83-2006  
A resolution of the City of Boca Raton approving and accepting Easement Deeds from Suzanne Siegler and Gregory K. Talbott, over certain lands located at 190 N.E. 5<sup>th</sup> Avenue and 250 N.E. 5<sup>th</sup> Avenue, respectively; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 84-2006  
A resolution of the City of Boca Raton approving and accepting an Easement Deed from Boca Town Partners, LLC, over certain lands located within the Boca Village Master Plat; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 85-2006  
A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of April 20 and 21, 2006, and the Strategic Plan 2006-2011-2021 Update (including the Action Agenda for 2006-2007); providing for severability; providing for repealer; providing an effective date
- j. Resolution No. ~~86-2006~~ 73-2006  
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

k. Resolution No. 87-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 21 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the Central Boca Raton Beach Nourishment Project Post-Construction Biological Monitoring Plan; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 88-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 22 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the South Boca Raton Beach Nourishment Project Biological Monitoring Plan; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 89-2006

A resolution of the City of Boca Raton approving various technical revisions to the Local Housing Assistance Plan for Fiscal Years 2004-07; authorizing the Mayor and City Manager to execute any required documents and certifications related to the revised Local Housing Assistance Plan; authorizing the City Manager or designee to approve expenditures of funds in accordance with the Local Housing Assistance Plan; authorizing the Community Improvement Administrator to submit the revised Local Housing Assistance Plan to the Florida Housing Finance Corporation; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 90-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Public Transit Service Development Program Grant from the Florida Department of Transportation for shuttle systems; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for 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

o. Resolution No. 91-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Ion Wave Technologies, Inc., for the purchase of a license for E-bid Procurement Software; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 92-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for professional services with Appraisal and Acquisition Consultants, Inc. for the purpose of providing professional real estate appraisal services; providing for severability; providing for repealer; providing an effective date

q. Receive and File Board Minutes – June 13, 2006

- 1) Community Appearance Board  
May 2, 2006  
May 9, 2006  
May 16, 2006
- 2) Community Relations Board  
April 17, 2006
- 3) Elder Affairs Advisory Board  
April 5, 2006
- 4) General Employees' Pension Board  
March 16, 2006
- 5) Historic Preservation Board  
April 18, 2006
- 6) Planning and Zoning Board  
April 20, 2006
- 7) Special Master  
January 25, 2006  
April 12, 2006  
April 26, 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.)*

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4. Resolution No. 76-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca 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 04-02)

*(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. 77-2006

A resolution of the City of Boca Raton granting a Planned Unit Development with a master plan for the proposed Lago Mar Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-03)

a. Resolution No. 78-2006

A resolution of the City of Boca Raton approving a tentative plat for the Lago Mar Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-03/SUB)

6. Resolution No. 79-2006

A resolution of the City of Boca Raton granting the petition of 5295 Center Realty Associates, LLC, for modifications to the approved Milan at Town Center Master Plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-06-01)

7. Resolution No. 80-2006

A resolution of the City of Boca Raton granting the petition of the Trustees of Advent Lutheran, Inc., for modifications to the approved Advent Lutheran Church Master Plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-06-04)

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

8. Ordinance No. 4941 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as more specifically described herein, from Light Industrial (IL) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

9. Ordinance No. 4942

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.02 acres and located adjacent to 375 East Royal Palm Road; providing for severability; providing for repealer; providing an effective date (SC-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. 4943

An ordinance of the City of Boca Raton amending Section 24-96, Code of Ordinances related to flat signs; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-06-01)

**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. 93-2006

A resolution of the City Council of the City of Boca Raton considering the appeal of Eric Newmark, Mary Ellen Harrison, Paul Garber, Joel Shumrak, Malcolm Gulden, Milton Gilbert, Shirley Ferro and Jerry Newberg; relating to the decision of the Community Appearance Board; at 5200 Saint Andrews Boulevard pursuant to Permit No. 06-3752; 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.