

## AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 24, 2009 6:00 PM**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Susan Whelchel  
Council Member M. J. Mike Arts  
Council Member Bill Hager  
Council Member Susan Haynie  
Council Member Michael Mullaugh

**AMENDMENTS TO THE AGENDA:**

**MINUTES:**

Minutes of the Regular Workshop Meeting of February 23, 2009  
Minutes of the Regular Meeting of February 24, 2009  
Minutes of the Special Council Meeting of March 5, 2009

**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.)*

***NOTE***

*Any person who acts as a lobbyist pursuant to City Code, Article V. Code of Ethics, Division 2, Lobbyist Registration, must register with the City Clerk prior to engaging in lobbying activities before City staff, boards, committees and / or the City Council, or any member thereof. Separate registration is required for each principal / client represented and each City matter. All registrations expire on December 31<sup>st</sup> of each calendar year and new registration is required. Forms are available from the City Clerk.*

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Builders' Board of Adjustment & Appeals – one (1) vacancy, for an architect.
- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy.
- c. Civil Service Board – one (1) vacancy.
- d. Financial Advisory Board – one (1) vacancy.
- e. General Employees' Pension Board – one (1) vacancy.
- f. Pearl City Blue Ribbon Committee – one (1) vacancy.
- g. Planning & Zoning Board – three (3) vacancies.
- h. Police & Firefighters' Pension Board – two (2) vacancies.
- i. Zoning Board of Adjustment – two (2) vacancies.

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) Solar Salt  
Requested by Utility Services  
Morton Salt \$233,400

b. Intergovernmental Agreements

- 1) Anhydrous Ammonia  
Requested by Utility Services  
Tanner Industries, Inc. \$54,750
- 2) Network Infrastructure, Equipment and Services for City Networks  
Requested by City Manager  
IBM Corporation, Insight Public Sector, CDW Government, Inc.,  
Champion Solutions Group, Inc. Midrange Support Services, Inc.  
Presidio Networked Solutions, Nortel Networks \$462,600

c. Competitive Sealed Proposal

- 1) Bus Service for Summer Camp and GAP Programs  
Requested by Recreation Services  
American Coach Lines of Miami, Inc. \$142,316

- 2) Fire Alarm Monitoring, Maintenance, Testing/Inspection and Repairs  
Requested by Municipal Services  
Siemens Building Technologies, Inc. \$93,386

d. Competitive Sealed Proposal - Renewal

- 1) Property Insurance  
Requested by Financial Services  
Beacon Group Insurance, Inc. \$1,585,139

e. Resolution No. 37-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with CH2MHILL, INC. for the purpose of providing design and permitting of the Intracoastal Waterway Wastewater Force Main Crossings; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 38-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation Safety Office for the Highway Safety Grant 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. 39-2009

A resolution of the City of Boca Raton naming Fire Rescue Station Five in honor of Michael G. Debrecht, former Fire Rescue Services firefighter, to commemorate his 12 years of dedicated services to the City; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 40-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the first amendment to a Revocable License Agreement with the Royal Oak Hills Association, Inc. for the purpose of placing landscaping and signs in City right-of-way within Royal Oak Hills; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 41-2009

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 purpose of entering into a Maintenance Memorandum of Agreement for Glades Road beautification from east of Corporate Way (M.P. 2.349) to west of Renaissance Way (M.P. 4.776); providing for severability; providing for repealer; providing an effective date

j. Resolution No. 42-2009

A resolution of the City of Boca Raton urging the boards of the City's pension funds to operate consistently with the "Protecting Florida's Investment Act"; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 43-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for two grants from the State of Florida Department of Transportation for the Surface Transportation Program; authorizing the acceptance of said grant(s), if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant(s), if awarded; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 44-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an assignment of and an amendment to an existing agreement with Vrchota Corp. for the purpose of providing vehicle towing and storage services on a rotating basis; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 45-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an assignment of and an amendment to an existing agreement with Ultimate Catering, Inc. for the purpose of providing concession services at the Boca Raton Municipal Golf Course; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 46-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to an Agreement with Ultimate Catering, LLC for the purpose of providing concession services at the Spanish River Library and Community Center; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 47-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement 05PB3 with the Florida Department of Environmental Protection for the purpose of reimbursable funding for the design and permitting, construction and monitoring of the South Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 48-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Fifth Amendment to Agreement 03PB1, with the Florida Department of Environmental Protection, for the purpose of reimbursable funding related to the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

q. Board Resignations

- 1) Resignation of Annette Farenga from the North Federal Highway Steering Committee
- 2) Resignation of Christian Karas from the Financial Advisory Board
- 3) Resignation of Joel Goldsmith from the Civil Service Board

r. Receive and File Board Orders

- 1) SM(G) Case No. 08-3399
- 2) SM(G) Case No. 08-00003933
- 3) SM(G) Case No. 08-4081

s. Receive and File Board Minutes – March 24, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
December 15, 2008
- 2) Community Appearance Board  
January 27, 2009  
February 3, 2009  
February 10, 2009
- 3) Community Relations Board  
October 20, 2008
- 4) Downtown Boca Raton Advisory Committee  
January 21, 2009
- 5) Education Advisory Board  
November 24, 2008
- 6) Elder Affairs Advisory Board  
February 4, 2009
- 7) Environmental Advisory Board  
January 15, 2009
- 8) Financial Advisory Board  
January 20, 2009
- 9) General Employees' Pension Board  
December 11, 2008 (Investment Committee)  
December 11, 2008 (Regular)
- 10) Historic Preservation Board  
October 21, 2008
- 11) Library Advisory Board  
December 17, 2008  
January 21, 2009  
January 29, 2009 (Special Meeting)
- 12) Marine Advisory Board  
January 7, 2009  
February 4, 2009
- 13) North Federal Highway Steering Committee  
December 2, 2008
- 14) Parks and Recreation Board  
February 3, 2009

- 15) People With Disabilities Board  
August 7, 2008 (Program and Special Events)  
December 4, 2008 (Program and Special Events)  
January 5, 2009
- 16) Planning and Zoning Board  
January 8, 2009  
January 22, 2009  
February 5, 2009
- 17) Police & Firefighters' Pension Board  
September 4, 2008 (Joint Adm. Committee w/Gen Emp)  
September 25, 2008 (Investment Committee)  
December 10, 2008 (Joint Adm. Committee w/Gen Emp)  
December 18, 2008 (Disability Review Committee)  
December 18, 2008 (Regular Mtg.)
- 18) Special Master  
November 26, 2008

**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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*(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 PUBLIC HEARINGS:**

- 4. Resolution No. 33-2009

A resolution of the City of Boca Raton considering an amendment to Resolution No. 188-2002; granting a modification to a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for property located at 2500 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-08-09)

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

- 5. Ordinance No. 5077 *(First of two required public hearings.)*

An ordinance of the City of Boca Raton amending the list of permitted uses and the criteria applicable to authorize professional office uses in the Light Industrial and Research Park Zoning District pursuant to Section 28-977(C); providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 5088 (As revised 3/13/09)

An ordinance of the City of Boca Raton amending Chapter 20, Article II, Environmentally Sensitive Lands, Code of Ordinances, relating to alterations involving environmentally sensitive lands; the amendments serve to modify the procedures, eligibility and calculations related to the requirement to set aside environmentally sensitive lands and the criteria for a payment in lieu of the environmental set aside; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-05)

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

*The quasi-judicial public hearings on Item Nos. 7 through 10 will held contemporaneously as they are related; a separate vote will be taken on each item.*

7. Ordinance No. 5089 (As revised 3/16/09) (Four 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 5.934 acres, from Light Industrial (IL) to Commercial (C); providing for severability; providing for repealer; providing an effective date (UC-08-03SC)

8. Ordinance No. 5090 (As revised 3/16/09)

An ordinance of the City of Boca Raton rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, a parcel of land consisting of 5.934 acres, located at 4002 North Military Trail, from Light Industrial Research Park (LIRP) to Community Business (B-2); providing for severability; providing for repealer; providing an effective date (UC-08-03)

9. Resolution No. 31-2009

A resolution of the City of Boca Raton approving a Planned Commercial Development, with a Master Plan, for the proposed Boca Commercial, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-08-03/PCD)

10. Resolution No. 32-2009

A resolution of the City of Boca Raton granting Tentative Plat Approval to the proposed Military/Spanish River Planned Commercial Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-08-03/SUB)

**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. 5091

An ordinance of the City of Boca Raton approving modifications to the previously approved Universal Conditional Approval (Ordinance No. 5066), for construction of a 3,320 square foot bank facility with three (3) drive-up teller lanes and a drive-up ATM lane; 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:**

**QUASI-JUDICIAL PUBLIC HEARING – REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE:**

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

12. Resolution No. 35-2009

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-77(B), Code of Ordinances, to allow three (3) additional freestanding signs for a total of four (4) freestanding signs on the property; to allow four (4) freestanding signs to be illuminated beyond 9:00 PM; and to allow the faces of one of the four (4) free standing signs to exceed 24 square feet; for the Advent Lutheran Church property located at 300 E. Yamato Road and 4798 N. Dixie Highway; providing for severability; providing for repealer; providing an effective date (SCV 08-10)

**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.