

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON JULY 23, 2002 6:00 PM**

## **INVOCATION:**

## **PLEDGE OF ALLEGIANCE TO THE FLAG:**

## **ROLL CALL:**

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

## **AMENDMENTS TO THE AGENDA:**

## **PROCLAMATIONS:**

National Night Out – August 6, 2002

## **AWARDS/RECOGNITIONS:**

Good Neighbor Award – Community Relations Board

## **MINUTES:**

Minutes of the Regular Workshop Meeting of July 8, 2002  
Minutes of the Regular Meeting of July 9, 2002

## ***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. Aviation Advisory Committee – one (1) vacancy, 2-year term.

1) Resolution 120-2002

A resolution of the City of Boca Raton confirming the appointment to the Aviation Advisory Committee of the Boca Raton Airport Authority, subject to the limitations of authority contained herein; providing for severability; providing for repeal; providing an effective date

b. Builders’ Board of Adjustment and Appeals – one (1) vacancy for a general contractor. Term expires 02/15/04.

c. Community Relations Board – one (1) vacancy, due to resignation of Kathleen M. O’Leary, whose term expires 07/25/02.

d. Financial Advisory Board – three (3) vacancies, due to term expirations of Arnold M. Straus, Charles F. Edris, and Andrew John Vissicchio, Jr., whose terms expire 08/26/02.

e. Library Advisory Board – two (2) vacancies, due to term expirations of Florence L. Mangus and Kathleen M. Murdoch, whose terms expire 08/10/02.

f. Pearl City Blue Ribbon Committee – one (1) vacancy, due to resignation of Marian Nease, (Housing Authority representative). Term expires 02/13/04.

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 VI or as otherwise directed by the City Council.)*

a. Sealed Bids

- |    |  |           |
|----|--|-----------|
| 1) | Florida Power & Light Duct Bank & Power Substation Yard<br>Requested by Utility Services<br>Danella Construction | \$141,863 |
| 2) | Swim & Racquet Center Pool Resurfacing<br>Requested by Recreation Services<br>Pamper Pool Service, Inc.          | \$81,965  |

b. Intergovernmental

- 1) Phone Mail Software & Hardware  
Requested by City Manager  
Siemens Information and Communications Networks, Inc. \$27,216

c. Sole Source

- 1) Portable Gas Chromatograph & Mass Spectrometer Unit  
Requested by Fire Rescue Services  
Inficon \$122,865

d. Resolution No. 117-2002

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Michelle's Plat subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-02-01CRP)

e. Resolution No. 118-2002

A resolution of the City of Boca Raton authorizing the amendment of the Community Development Block Grant 1999-2000 Annual Consolidated Action Plan; authorizing the City Manager to execute the certification; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 119-2002

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, Office of Justice Programs, Local Law Enforcement Block Grant Program; 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

g. Resolution No. 121-2002

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2002-03 to the U.S. Department of Housing and Urban Development; designating the City Manager as Chief Executive Officer for the purpose of said program; authorizing the City Manager to execute the certifications; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 122-2002

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Technology Center Plat 1 subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 00-05)

i. Board Resignation

- 1) Resignation of Alexander Martone from the Boca Raton Advisory Board for the Physically and Mentally Challenged

j. Receive and File Board Minutes – July 23, 2002

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
June 10, 2002
- 2) Code Enforcement Board  
February 19, 2002
- 3) Community Appearance Board  
June 18, 2002
- 4) Parks and Recreation Board  
June 4, 2002
- 5) Pearl City Blue Ribbon Committee  
May 23, 2002
- 6) Police and Firefighters' Pension Board  
May 15, 2002 (Investment Committee)  
May 15, 2002
- 7) Special Master  
May 8, 2002
- 8) Telecommunications Advisory Board  
June 3, 2002

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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 PUBLIC HEARINGS:**

4. Resolution No. 116-2002

A resolution of the City of Boca Raton granting conditional use approval for an administration building at Florence Fuller Child Development Center on a parcel of land located at 200 NE 14<sup>th</sup> Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA 02-03)

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

5. Resolution No. 105-2002      *(Second of two required public hearings.)*

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Campus Development Agreement between the Florida Board of Education, acting for the benefit of Florida Atlantic University, and the City of Boca Raton, for the purpose of implementation of the concurrency requirements of Chapter 240, Florida Statutes, and the mitigation of proposed Florida Atlantic University campus development impacts during the period ending December 31, 2010; providing for severability; providing for repealer; providing an effective date

6. Ordinance No. 4664

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Utility Easement, an Ingress/Egress and Utility Easement, and Limited Access Easements, located at Peninsula Corporate Center, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-01-EA-01)

7. Ordinance No. 4665

An ordinance of the City of Boca Raton creating new Subsection 17-6(5), Code of Ordinances, and amending Section 7-40(11), Code of Ordinances; establishing permitting and other requirements for connections to fire hydrants owned by the City or connected to the City water system (“Fire Hydrants”); establishing restrictions on the use of fire hydrants; providing for severability; providing for repealer; providing for codification; providing an effective date

**REGULAR BUSINESS – PART IV - 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.)*

**REGULAR BUSINESS - PART V - 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 VI - RESOLUTIONS AND OTHER BUSINESS:**

8. Resolution No. 123-2002

A resolution of the City of Boca Raton repealing Resolution No. 113-2002; authorizing the Mayor and City Clerk to execute an Interlocal Agreement (“Agreement”) with Palm Beach County related to the use of property purchased by the County from the City for environmental purposes, as more particularly described in the Agreement, establishing restrictions on the use of the property and providing for the City’s right to repurchase the property under certain conditions; providing for severability; providing for repealer; providing an effective date

**APPEAL OF BOARD DECISIONS:**

- 9. Community Appearance Board – Permit No. 02-2182  
Meilus Muscular Therapy  
4799 N. Federal Highway
- 10. Community Appearance Board – Permit No. 02-2415  
Sprint PCS  
1551 W. Camino Real  
(Claudette Morency)

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

- 11. Millage Notification to the Property Appraiser and Tax Collector
- 12. Annual Executive Performance Evaluation

**CITY ATTORNEY REPORTS:**

- 13. Annual Executive Performance Evaluation

**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.