

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 23, 2004 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:

Tom & Helen Wright Day – March 23, 2004

MINUTES:

Minutes of the Regular Workshop Meeting of February 23, 2004
Minutes of the Regular Meeting of February 24, 2004

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 – (1) one vacancy, due to term expiration of Neil Meisel, whose term expired 01/12/04.
- b. General Employees' Pension Board – (2) two vacancies, due to term expirations of Lewis F. Sarrica and Linda C. Davidson, whose terms expire 03/29/04.
- c. Planning and Zoning Board – (2) two vacancies, due to term expirations of Keith O'Donnell and Grace M. Johnson, whose terms expire 03/31/04.
- d. Police & Firefighters' Retirement System – (2) two vacancies, due to the term expirations of Richard Robinson and John D. Girard, whose terms expire 03/29/04.
- e. Zoning Board of Adjustment – (3) three vacancies, due to term expirations of John M. Cappeller, Alfred Gladstone, and J. Scott MacLaren, whose terms expire 04/10/04.

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. Sealed Bids

- 1) Landscape Maintenance Services for
El Rio Bicycle/Pedestrian Corridor
Requested by Recreation Services
Complete Property Services \$29,866
- 2) Landscape Maintenance Services for the
Cemetery and Mausoleums
Requested by Recreation Services
Vila & Son Landscaping \$31,695
- 3) Equipment Testing & Analysis
Requested by Utility Services
T.A.W. Miami Service Center \$37,400
- 4) Fire Rescue Station #4
Requested by Fire Rescue Services
Coastal Contracting & Development, Inc. \$1,510,000
- 5) Street Resurfacing Program
Requested by Municipal Services
Weekley Asphalt Paving, Inc. \$48,110

- b. Sealed Bid - Renewal
 - 1) Sodium Chloride, Solar Salt - Renewal
Requested by Utility Services
Morton Salt \$150,385

- c. Sole Source
 - 1) Building Automation System for City Hall
and Community Center
Requested by Municipal Services
Johnson Controls, Inc. \$74,628
 - 2) Property Insurance
Requested by Financial Services
Beacon Group, Inc. \$821,615

- d. Emergency
 - 1) Emergency Repairs for Lift Station 61
Force Main Relocation
Requested by Utility Services
Intrastate Construction Corp. \$34,699

- e. Resolution No. 36-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Master Street Lighting Agreement with the State of Florida Department of Transportation (FDOT) for the purpose of continuing maintenance responsibilities and providing for FDOT to compensate for maintenance of street lights along State jurisdiction roadways; providing for severability; providing for repealer; providing an effective date

- f. Resolution No. 37-2004

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Howard Elias and Cindy Elias, over certain lands located at 380 East Coconut Palm Road; providing for severability; providing for repealer; providing an effective date

- g. Resolution No. 38-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Charles H. Beach and Patricia B. Beach for the purpose of placing four Royal Palm Trees in City right-of-way adjacent to 279 West Key Palm Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 39-2004

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 to produce a bicycle suitability map; 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

i. Resolution No. 40-2004

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Royal Palm Yacht and Country Club, Inc., over certain lands located at 199 Royal Palm Way; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 41-2004

A resolution of the City of Boca Raton naming Fire Rescue Station Number Seven in honor of Richard H. Muehlberg, former Fire Rescue Services Battalion Chief, to commemorate his 28 years of dedicated service to the City; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 42-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Inland Navigation District for the purpose of purchasing a floating, drive on dock for a fire rescue boat; 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

l. Resolution No. 45-2004

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 Transportation Efficiency Act for the 21st Century (TEA-21); 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

m. Resolution No. 46-2004

A resolution of the City of Boca Raton confirming for the State of Florida Department of Environmental Protection, for the purpose of compliance with Permit No. 0192068-001JC, Specific Condition No. 16, that the City will pay for the cost of removing the temporary groin, if necessary; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 47-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with JDR Construction Company, Inc., for the purpose of providing professional engineering services to design sidewalk improvements to provide safe routes to schools; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 48-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice pursuant to the Bulletproof Vest Partnership 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

p. Resolution No. 49-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security, Office of Domestic Preparedness Assistance to Firefighters Grant program, for the purchase of training equipment for the new Fire Rescue Training Center; 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

q. Resolution No. 50-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Langton Associates, Inc. for the purpose of providing grants writer consulting services; providing for severability; providing for repealer; providing an effective date

r. Employee Election Certifications

- 1) Certification of the election of Nicole Gasparri and Carol Himes as the general employees' representatives on the General Employees' Pension Board for the two terms to expire on March 29, 2007.
- 2) Certification of the election of Chris Somers as a police services' trustee on the Police and Firefighters' Pension Board for the term to expire March 29, 2006.
- 3) Certification of the election of Mike Gergora as the fire-rescue services' representative on the Police and Firefighters' Pension Board for the term to expire on March 29, 2006.

s. Receive and File Board Orders

Zoning Board of Adjustment:

- 1) Resolution No. BA-03-14
- 2) Resolution No. BA-04-01

t. Receive and File Board Minutes – March 23, 2004

- 1) Builders' Board of Adjustment and Appeals
April 23, 2003
- 2) Code Enforcement Board
August 20, 2002
May 20, 2003
- 3) Community Appearance Board
February 10, 2004
February 17, 2004
February 24, 2004
- 4) Education Advisory Board
January 22, 2004
- 5) Environmental Advisory Board
December 18, 2003
- 6) Financial Advisory Board
January 20, 2004
- 7) General Employees' Pension Board
January 8, 2004
January 21, 2004
January 28, 2004
- 8) Historic Preservation Board
January 20, 2004
- 9) Marine Advisory Board
February 4, 2004
- 10) North Federal Highway Steering Committee
January 28, 2004
February 4, 2004
- 11) Parks and Recreation
February 3, 2004
- 12) Physically and Mentally Challenged Board
February 5, 2004

- 13) Planning and Zoning Board
January 22, 2004
- 14) Police & Firefighters' Pension Board
August 19, 2003
November 19, 2003
December 2, 2003
December 17, 2003
- 15) Special Master
February 11, 2004
- 16) Zoning Board of Adjustment
January 7, 2004

(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 conduct of this public hearing will be governed by the "quasi-judicial procedures" attached to this agenda.)

4. Resolution No. 34-2004

A resolution of the City of Boca Raton granting conditional use approval for Fire Station No. 3 on a parcel of land located at 100 South Ocean Boulevard, granting technical deviations for driveway reservoirs and parking dimensions; as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-13)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4768

An ordinance of the City of Boca Raton abolishing the Public Works Review Committee and The Planning Advisory Committee; providing that all required, necessary or appropriate reviews shall be performed by City staff; 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.)

6. Ordinance No. 4769

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as more specifically described herein, from RL (Residential Low) to RM (Residential Medium) and N (Conservation); 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 (UC-03-08 SC/ZC/SPA/PUD/SUB)

7. Ordinance No. 4770

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as described more particularly herein, from R-1-D (Single Family Residential) and R-3-D/PUD (Multifamily Residential/Planned Unit Development) 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 (UC-03-08 SC/ZC/SPA/PUD/SUB)

8. Ordinance No. 4773

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$24,500,000 General Obligation Refunding Bonds, Series 2004, of the City of Boca Raton, Florida; authorizing the advance refunding of a portion of City of Boca Raton General Obligation Bonds, Series 2000; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for 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:**

(The conduct of this public hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

9. Resolution No. 43-2004

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to construct one (1) additional freestanding sign that has fewer than 250 feet of separation from an approved freestanding sign located along the same street frontage at 555 – 595 South Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-03-05)

PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIENS:

10. Resolution No. 51-2004

A resolution of the City of Boca Raton granting the application of Orchard View Development Ltd. for a reduction in the amount of the code enforcement lien imposed in Case Number 98-2412; providing for severability; providing for repealer; providing an effective date

11. Resolution No. 52-2004

A resolution of the City of Boca Raton granting the application of Joel Platt, et al. for a reduction in the amount of the code enforcement lien imposed in Special Master Case Number 02-3538; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

12. Summer Meeting Schedule

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.