

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 8, 2002 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

AMENDMENTS TO THE AGENDA:

PROCLAMATIONS/RECOGNITIONS:

PRESENTATIONS:

MINUTES:

Minutes of the Regular Workshop Meeting of December 10, 2001
Minutes of the Regular Meeting of December 11, 2001

NOTICE

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. Builders' Board of Adjustment and Appeals – (1) vacancy, to complete the term of Lee Walker, whose term expires 02/15/04.
- b. Citizens' Pedestrian & Bikeway Board – (4) vacancies, two due to resignations of Jackie Wiesenfeld and Constance Scott, whose terms expire 01/12/04, and two due to term expirations of Clint Oster and George Petruff, whose terms expire 01/12/02.
- c. Education Advisory Board – (1) vacancy, due to resignation of Scott Notowitz, whose term expires 07/28/04.
- d. Physically and Mentally Challenged Board – (1) vacancy, due to resignation of Lin Schader, whose term expires 04/23/02.

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 Bid

- (1) Supply & Installation of a 50 HP Hot Water Boiler - Replacement
Requested by Utility Services
ARC Power Systems, LLC \$36,200

b. Change Order

- (1) Glades Road Water Treatment Plant On-Site Sodium Hypochlorite
Generation System, Change Order #1
Requested by Utility Services
The Poole and Kent Company \$65,114

c. Intergovernmental Agreement

- (1) Traffic Signal Installations
Requested by Municipal Services
Mastec ITS of Florida Inc.
(formerly Designed Traffic Installation Company) \$270,819

d. Resolution No. 2-2002

A resolution of the City of Boca Raton accepting and approving the final plat known as the DWV Plat subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 01-02)

e. Resolution No. 3-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Department of Justice for a "Byrne" Federal Drug Control and System Improvement grant; 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

f. Resolution No. 5-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement and Covenant with Florida Atlantic University Foundation, Inc., and Uncommon, Ltd., for the purpose of insuring payment to the City of ad valorem taxes and applicable fees for improvements on the property known as University Commons located at 1400 West Glades Road; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 6-2002

A resolution of the City of Boca Raton approving the City's Year 2002 Federal legislative and funding priorities; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 7-2002

A resolution of the City of Boca Raton announcing the regular election to be held in and for the City of Boca Raton on the 12th day of March, 2002; providing for publication; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 8-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Palm Beach County Tax Collector for the purpose of implementation and collection of non-ad valorem assessment billing; providing for severability; providing for repealer; providing an effective date

j. Board Resignation

(1) Resignation of Matthew S. Nelles from the Community Relations Board

k. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 00-307
 - b) SM(G) Case No. 01-64
 - c) SM Case No. 1-142
 - d) SM(G) Case No. 01-1202
 - e) SM Case No. 1-1907
 - f) SM(G) Case No. 1-2067
 - g) SM Case No. 1-2081
 - h) SM(G) Case No. 01-2765
 - i) SM(G) Case No. 1-3240
 - j) SM(G) Case No. 1-3341
 - k) SM(G) Case No. 1-3949
 - l) SM(G) Case No. 1-4202
 - m) SM(G) Case No. 1-4310
 - n) SM(G) Case No. 1-4440
 - o) SM(G) Case No. 1-4556
 - p) SM(G) Case No. 1-4819
 - q) SM(G) Case No. 1-4824
 - r) SM(G) Case No. 1-4767
 - s) SM(G) Case No. 1-4889
 - t) SM(G) Case No. 1-4890
 - u) SM(G) Case No. 1-4918

l. Receive and File Board Minutes – January 8, 2001

- 1) Citizens' Pedestrian and Bikeway Advisory Board
November 19, 2001
- 2) Civil Service Board
September 26, 2000
- 3) Code Enforcement Board
August 21, 2001
- 4) Community Appearance Board
November 13, 2001
November 20, 2001
November 27, 2001
December 4, 2001
- 5) Downtown Visions Committee
October 16, 2001
- 6) Education Advisory Board
November 5, 2001
November 19, 2001

- 7) General Employees Pension Board
October 29, 2001
- 8) Historic Preservation Board
October 9, 2001
November 20, 2001
- 9) Library Advisory Board
November 15, 2001
- 10) Marine Advisory Board
November 14, 2001
- 11) Parks and Recreation Board
November 6, 2001
- 12) Pearl City Blue Ribbon Committee
November 15, 2001
- 13) Physically and Mentally Challenged Board
November 1, 2001
- 14) Planning and Zoning Board
October 18, 2001
November 8, 2001
- 15) Police & Firefighters' Pension Board
October 17, 2001
- 16) Special Master Hearing
October 24, 2001
- 17) Telecommunications Advisory Board
July 2, 2001
October 15, 2001
November 5, 2001

(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 the 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. 1-2002

A resolution of the City of Boca Raton granting conditional use approval for the School Board of Palm Beach County for a parcel of land located at 1501 NW 15 Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-01-07)

4. a. Resolution No. 4-2002

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Boca Raton Community High School Plat subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-01-04)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4624

An ordinance of the City of Boca Raton relating to front porches; amending Section 28-2, Code of Ordinances, to provide a definition of front porch; amending Section 28-130(3), Code of Ordinances, to prohibit the Zoning Board of Adjustment from granting setback variances for front porches or variances for enclosing front porches; Amending Section 28-1354, Code of Ordinances, to provide setbacks for front porches; amending Section 2-128, Code of Ordinances, to authorize the Community Appearance Board to review applications for front porches related to single family residences; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-00-02)

6. Ordinance No. 4625 *(As revised January 2, 2002)*

An ordinance of the City of Boca Raton relating to the Police and Firefighters' Retirement System; amending Sections 12-151 and 12-153, Code of Ordinances, relating to the retirement supplement; clarifying that the election to receive a survivor option for the retirement supplement may be made at the time the member applies for retirement benefits; to amend the provisions regarding increases in benefits; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 4626 *(First of two required public hearings)*

An ordinance of the City of Boca Raton relating to conditional uses in the M-2 General Industrial District; amending Section 28-1098, Code of Ordinances, to establish a maximum gross floor area for retail uses and lumber and building supply sales facilities in the M-2 General Industrial District; 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.)

8. Ordinance No. 4628

An ordinance of the City of Boca Raton providing for the vacation and abandonment of special purpose utility easements, located at 101 N.E. 20th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-01-EA-04)

9. Ordinance No. 4629

An ordinance of the City of Boca Raton amending the Fiscal Year 2001-2002 Budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

10. Ordinance No. 4630

An ordinance of the City of Boca Raton amending the Procurement Code to provide a local preference of two (2) percent for contracts of at least \$3,000 but not more than \$100,000, to be awarded pursuant to competitive sealed bidding and small purchase procedures; providing for severability; providing for repealer; providing for codification; providing an effective date

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:

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.