

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON OCTOBER 22, 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:

The Children's Home Society's 100th Anniversary – November 2002
National Magic Week – October 25 through October 31, 2002
National Red Ribbon Celebration – October 23 through October 31, 2002

AWARDS/RECOGNITIONS:

Presentation of Certificate of Accreditation from the Commission on Accreditation of Law Enforcement Agencies – Chief Andrew J. Scott, III

MINUTES:

Minutes of the Regular Workshop Meeting of October 7, 2002
Minutes of the Regular Meeting of October 8, 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. Boca Raton Housing Authority – two (2) vacancies, due to term expiration. Terms expire 11/14/02.
- b. Civil Service Board – one (1) vacancy due to term expiration. Term expires 11/01/02.

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 Competitive Proposal Renewals

- 1) Bus Transportation Services
Requested by Recreation Services
Quality Transport Services, Inc. \$113,460.00
- 2) Emergency Medical Care Vehicle
Requested by Fire-Rescue Services
American LaFrance Medic Master \$282,656.00

b. Emergency

- 1) Emergency Manhole Replacement
Requested by Utility Services
A&A Underground Contractors, Inc. \$78,648.00

c. Resolution No. 177-2002

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

d. Resolution No. 178-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract with New Century Acquisitions, Inc. for the construction of required improvements to Blue Water Townhouses Plat; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 179-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a joint project agreement with Palm Beach County for the purpose of design and construction of the intersection improvement at Military Trail and Potomac Road; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 180-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Carriage Homes at Woodfield Hunt Club Homeowners Association, Inc., over certain land located at N.W. 44th Street and Powerline (Jog) Road; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 181-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Country Club Maintenance Association, Inc. over certain land located at N.W. 24th Way and Clint Moore Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 182-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Woodfield Hunt Club Homeowners Association, Inc., over certain land located at N.W. 44th Street and Powerline (Jog) Road; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 184-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Junior League of Boca Raton Community Support Fund for an Elder Crime Education 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

j. Resolution No. 185-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Kise, Straw & Kolodner, Inc. for the purpose of providing consulting services related to historic preservation activities; providing for severability; providing for repealer; providing an effective date

k. Certification

Certification of election of Mary Louise Yeager to the Civil Service Board for the term expiring November 1, 2005.

l. Resignations

- (1) Resignation of Miguel Pellon from the Telecommunications Advisory Board.
- (2) Resignation of Evelyn Panagakos Lamia from the Advisory Board for the Physically and Mentally Challenged.

m. Receive and File Board Minutes – October 22, 2002

- 1) Community Appearance Board
September 17, 2002
- 2) Education Advisory Board
August 26, 2002
- 3) Financial Advisory Board
August 19, 2002
- 4) Historic Preservation Board
September 17, 2002
- 5) Marine Advisory Board
September 16, 2002
- 6) Parks and Recreation
September 3, 2002
- 7) Pearl City Blue Ribbon Committee
August 22, 2002
- 8) Planning and Zoning Board
August 22, 2002
- 9) Police and Firefighters' Pension Board
August 21, 2002
- 10) Special Master
August 28, 2002

(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:

As quasi-judicial procedures must be followed for Ordinance No. 4657, the joint presentation on both of the following ordinances will be conducted pursuant to quasi-judicial guidelines.

4. Ordinance No. 4656 *(Second of two required public hearings.)
(Requires four votes 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 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium) granting a technical deviation to Chapter 23, Code of Ordinances; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-01-02SC)

5. Ordinance No. 4657

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as described more particularly herein, from R-B-1 (Motel-Business District) to R-3 (Medium Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-01-02ZC)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4658 *(Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by amending Policy LU.1.1.1 relating to intensity regulations for commercial and industrial uses; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-02-01)

7. Ordinance No. 4676

An ordinance of the City of Boca Raton amending Section 2-256, Code of Ordinances, to provide for the appointment of representatives of the Palm Beach County School Board as nonvoting members of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

7. a. Resolution No. 183-2002

A resolution of the City of Boca Raton appointing representatives of the Palm Beach County School Board as nonvoting members of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 4677

An ordinance of the City of Boca Raton relating to Transportation Demand Management in Downtown Boca Raton, as defined herein; creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring existing development, as defined herein, in Downtown Boca Raton to participate in Transportation Demand Management programs; providing for the scope of Division 8; providing for definitions; requiring development, as defined herein, in Downtown Boca Raton to participate in Transportation Demand Management programs; requiring a sworn Statement of Compliance to be filed by property owners; requiring annual reports to be filed by property owners; 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.)

9. Ordinance No. 4678

An ordinance of the City of Boca Raton amending the title of Article III, Chapter 9, Code of Ordinances; amending Section 9-50, Code of Ordinances, to amend definitions; creating a new Section 9-53, Code of Ordinances, to prohibit the anchoring or mooring of vessels in a waterway for a period exceeding seventy-two (72) consecutive hours; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 4679

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pensions; amending Section 12-105, Code of Ordinances, relating to the deferred retirement option plan; 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:

APPEAL OF BOARD DECISIONS:

(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.)

11. Community Appearance Board Decision – (Permit #2-5437)
Boca Teeca #5
6461 N.W. 2nd Avenue

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.