

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 11, 2003 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/PRESENTATIONS:

Love Your Library Month – February 2003
Childrens Hospital Fund Crusade – February 14th through February 23, 2003

MINUTES:

Minutes of the Regular Workshop Meeting of January 27, 2003
Minutes of the Regular Meeting of January 28, 2003

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:

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 Renewal

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|----|---|--------------|
| 1) | Landscape Maintenance Services for South Section (Renewal) Requested by Recreation Services Custom Care, Inc. | \$234,288.00 |
| 2) | Mizner Park Property Maintenance (Renewal) Requested by Recreation Services Codina Real Estate Management, Inc. | \$494,678.00 |

b. Intergovernmental Agreement

- | | | |
|----|--|-------------|
| 1) | Technician Support Services Requested by City Manager TEKsystems, Inc. | \$30,000.00 |
|----|--|-------------|

c. Resolution No. 31-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Palm Beach County for the development and construction of a public boat dock at Spanish River Park; 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

d. Resolution No. 32-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Office of the Florida Attorney General, Victims of Crime Act (VOCA) 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

e. Resignations

- 1) Resignation of Abraham Ovadia from the Education Advisory Board

f. Receive and File Board Orders

- 1) Special Master
 - a) SM (G) Case No. 02-00001422
 - b) SM (G) Case No. 02-00002328
 - c) SM (G) Case No. 02-00002860
 - d) SM (G) Case No. 02-00003186
 - e) SM (G) Case No. 02-00003280
 - f) SM (G) Case No. 02-00003445
 - g) SM (G) Case No. 02-00003537
 - h) SM (G) Case No. 02-00003538
 - i) SM (G) Case No. 02-00003660
 - j) SM (G) Case No. 02-00003788
 - k) SM (G) Case No. 01-00005237

g. Receive and File Board Minutes – February 11, 2003

- 1) Citizens' Pedestrian and Bikeway Advisory Board
December 9, 2002
- 2) Community Appearance Board
December 3, 2002
December 10, 2002
December 17, 2002
- 3) Education Advisory Board
December 23, 2002
- 4) Historic Preservation Board
December 17, 2002
- 5) Library Advisory Board
December 18, 2002
- 6) Marine Advisory Board
December 23, 2002
- 7) Police and Firefighters' Pension Board
December 18, 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:

4. Resolution No. 28-2003

A resolution of the City of Boca Raton granting conditional use approval for the Panera Bread Restaurant customer service area expansion on a parcel of land located at 222 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA- 02-05)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4686 *(Second of two required public hearings.)*

An ordinance of the City of Boca Raton creating Section 28-1305, Code of Ordinances, to provide that in all zoning districts certain parks and park facilities and City water, sewer, reclaimed water, and stormwater facilities and appurtenances shall be permitted uses, to provide that in all nonresidential zoning districts any buildings, facilities and uses owned, operated, utilized or conducted by the City (inclusive of police and fire stations) shall be a permitted use, and to provide that in all residential zoning districts City police and fire stations (and related facilities) shall be a conditional use; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-02-12/02-92500013)

6. Ordinance No. 4688

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 Budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4689

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 300 West Palmetto Park Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-03)

REGULAR BUSINESS – PART IV – 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.)

8. Ordinance No. 4690

An ordinance of the City of Boca Raton relating to fences, walls and hedges; amending Section 28-1356, Code of Ordinances, to delete Subsections 28-1356(d), (e), and (f), Code of Ordinances, which subsections provided an alternative method for determining whether a fence, wall or hedge constitutes a hazardous obstruction; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 4691

An ordinance of the City of Boca Raton providing for the vacation and abandonment of drainage easements, located at 2050 and 2072 East Royal Palm Way, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-07)

10. Ordinance No. 4692

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of water and sewer easements, located on the campus of Pine Crest School at 2700 Saint Andrews Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-04)

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:

REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE

11. Resolution No. 33-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(h), Code of Ordinances, to construct one (1) multiple story building sign that results in a building identity which is different from an existing sign, located at 301 Yamato Road; providing for severability; providing for repealer; providing an effective date (SCV-02-02)

REGULAR BUSINESS - PART VIII - PUBLIC HEARINGS/APPEAL OF BOARD DECISIONS:

(If you are planning to speak during 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 these hearings will be governed by the "quasi-judicial procedures" attached to this agenda.)

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.