

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 22, 2003 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:

Proclamation – Arbor Day – April 25, 2003
Proclamation – National Volunteer Week – April 28 through May 2, 2003

AWARDS/RECOGNITIONS:

MINUTES:

Minutes of the Regular Workshop Meeting of April 7, 2003
Minutes of the Regular Meeting of April 8, 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:

- a. Environmental Advisory Board – two (2) vacancies due to term expirations of Daniel E. Taylor and Donald Stone, whose terms expire 4/30/03.
- b. Zoning Board of Adjustment – two (2) vacancies due to resignations of Steve Utrecht, whose term expires 4/10/05 and Scott Hanson, whose term expires 4/10/04.

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 Bid

- 1) Military Trail Supplemental Beautification Project
Requested by Recreation Services
Villa & Son Landscaping Corporation \$106,445
- 2) Generator Set Integrated Control System - Replacement
Requested by Utility Services
OK Generators \$96,960

b. Sealed Renewal

- 1) Sod: Supply, Deliver, Remove, and/or Install
Requested by Recreation Services
R & R Turf Farms, Meyer's Turf, Inc., Mac's Garden of Eden \$154,660
- 2) Sodium Chloride, Solar Salt
Requested by Utility Services
Morton Salt \$150,685

c. Intergovernmental Agreement

- 1) Fire Hydrant Audit
Requested by Utility Services
Metro Service Consultants \$115,000
- 2) Water Service Fittings
Requested by Utility Services
Ferguson Underground \$34,409

d. Sole Source

- | | | |
|----|---|-----------|
| 1) | 800 MHz Radio System Maintenance Requested by Police Services Motorola | \$157,430 |
| 2) | Lime Slaker - Replacement Requested by Utility Services LOC Pump & Equipment Inc. | \$90,562 |

e. Resolution No. 72-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Pine Crest Preparatory School, Inc., over certain lands located at 2700 Saint Andrews Boulevard; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 73-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with LBFH, Inc. for the purpose of providing professional engineering civil services for a preliminary design and engineering report for the widening of NW 12th Avenue; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 74-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the National Pollution Discharge Elimination System Second Term Permit Interlocal Agreement with the Northern Palm Beach County Improvement District for the purpose of providing a five year stormwater monitoring and management program to comply with National Pollutant Discharge Elimination System permit conditions; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 75-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed 101 North Federal Highway Subdivision Plat (a replat of a portion of Lots 13 through 15, and a portion of Lots 22 through 24, Block 1, Boca Ratone Land Co's Development), subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-03-01)

i. Resolution No. 76-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from The Florida Department of Environmental Protection Land and Water Conservation Fund Program for the development of the El Rio Trail; 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

j. Resolution No. 77-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the Lake Worth Drainage District to establish an informal administrative procedure for resolution of disputes concerning vegetation within Lake Worth Drainage District rights-of-way prior to implementation of the initial negotiation phases of the dispute resolution process of Chapter 164, Florida Statutes; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 78-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Terry Cohen, M.D., for the purpose of providing professional services as Medical Director; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 79-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Bulletproof Vest Partnership Grant from the U.S. Department of Justice, 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. 80-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for three (3) grants from the Florida Department of Transportation pursuant to the Transportation Efficiency Act for the 21st Century; authorizing the acceptance of said grants, if awarded; authorizing the expenditure of matching funds for said grants, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 81-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Harvard Jolly Clees Toppe Architects, Professional Association, for the purpose of providing professional design services for design, preparation of construction plans, specifications, and bidding documents, permitting, construction contract administration, and other services for a western library; providing for severability; providing for repealer; providing an effective date

o. Board Resignations

Resignation of Joseph Abruzzo from the Education Advisory Board

p. Receive and File Board Minutes – April 22, 2003

- 1) Community Appearance Board
March 11, 2003
March 18, 2003
March 25, 2003
- 2) Community Relations Board
December 16, 2002
- 3) Education Advisory Board
February 24, 2003
- 4) Financial Advisory Board
February 18, 2003
- 5) Marine Advisory Board
February 12, 2003
- 6) Parks and Recreation
March 4, 2003
- 7) Planning and Zoning Board
February 6, 2003
February 20, 2003

(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:

4. Resolution No. 66-2003

A resolution of the City of Boca Raton amending Resolution No. 174-94 (as amended by Resolution Nos. 212-98 and 153-99); granting modification of the conditional use approval for Pine Crest School on a parcel of land located at 2700 St. Andrews Boulevard, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-94-7R3)

5. Resolution No. 67-2003

A resolution of the City of Boca Raton granting a variance to construct three lifeguard towers (Towers 9, 10, and 11) at Red Reef Park; providing for severability; providing for repealer; providing an effective date (SC-03-02)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4702

An ordinance of the City of Boca Raton relating to conditional approvals pursuant to Article VI, Chapter 23, Code of Ordinances (“conditional approvals”); providing for the automatic expiration of certain conditional approvals, including but not limited to conditional approvals which grant a residential future land use element map designation or residential zoning, for developments for which building permits have not been sought or obtained; 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.)

7. Ordinance No. 4704

An ordinance of the City of Boca Raton creating a New Rule 1.70 of Section 2-27, Code of Ordinances, relating to rules of procedure of the City Council; establishing procedural rules for the computation of time periods for the filing and hearing of appeals of board actions to the city council; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 4705

An ordinance of the City of Boca Raton amending Section 7-41, Code of Ordinances, to prohibit the use of fireworks, pyrotechnic special effects, flame effects, or similar devices inside buildings or other enclosed spaces, and to specify the requirements for outdoor use of fireworks, pyrotechnic special effects, flame effects, or similar devices; providing for severability; providing for repealer; providing for codification; providing 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:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

9. Canal Width Policy
10. AED Update
11. Fire Inspection Update

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.