

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JUNE 22, 2004 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

AMENDMENTS TO THE AGENDA:

PROCLAMATIONS/PRESENTATIONS:

AWARD/RECOGNITIONS

MINUTES:

Minutes of the Regular Workshop Meeting of June 7, 2004
Minutes of the Regular Meeting of June 8, 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. Historic Preservation Board – (4) vacancies. Four vacancies due to term expirations of Howard E. McCall (member of A.I.A), and Merle Haber, Donald W. Curl, and Kathleen Altizer (at-large members), whose terms expire 07/01/04.

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 South Section Requested by Recreation Services Superior Landscaping & Lawn Service, Inc. | \$120,703 |
| 2) | Yamato Road Beautification Requested by Recreation Services Sunkissed Tropical, Inc. d.b.a. Royal Landscaping | \$340,170 |

b. Competitive Sealed Proposal - Renewal

- | | | |
|----|---|----------|
| 1) | Police Uniforms - Renewal Requested by Police Services Special Products Group | \$96,000 |
|----|---|----------|

c. Sealed Bid - Renewal

- | | | |
|----|---|-----------|
| 1) | Irrigation Supplies - Renewal Requested by Recreation Services Hughes Supply, Boynton Pump and Irrigation Supply, Hector Turf, and Professional Pump Corp. d.b.a. Professional Supply | \$149,418 |
|----|---|-----------|

d. Emergency

- | | | |
|----|---|----------|
| 1) | Force Main Repair Requested by Utility Services Man-Con, Inc. | \$45,000 |
|----|---|----------|

e. Resolution 105-2004

A resolution of the City of Boca Raton naming Fire Rescue Station Number Two in honor of William R. Welhaf, M.D., former Medical Director of Fire Rescue Emergency Medical Services, to commemorate his 24 years of dedicated service to the City; providing for severability; providing for repealer; providing an effective date

f. Resolution 106-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County regarding sea turtle lighting on A1A in the vicinity of Spanish River Park; providing for severability; providing for repealer; providing an effective date

g. Resolution 107-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Boca Centre subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-02)

h. Resolution 108-2004

A resolution of the City of Boca Raton accepting and approving the final plat known as the Lussuria Condominium plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-02-04)

i. Resolution 109-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Keith & Schnars, P.A., for the purpose of providing professional engineering services to design the El Rio Canal Shared Use Pathway between Spanish River Boulevard and Yamato Road; providing for severability; providing for repealer; providing an effective date

j. Resolution 110-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Tilden Lobnitz Cooper, Inc., for the purpose of providing professional mechanical and electrical engineering services; providing for severability; providing for repealer; providing an effective date

k. Resolution 112-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 19 with Robert G. Currie Partnership, Inc., for the purpose of providing additional professional architectural services for the Fire Support Building; providing for severability; providing for repealer; providing an effective date

l. Resolution 113-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement and operating lease with Textron, Inc., for the purpose of leasing golf carts for the Municipal Golf Course and Red Reef Golf Course; providing for severability; providing for repealer; providing an effective date

m. Resolution 114-2004

A resolution of the City of Boca Raton withdrawing from the Palm Beach Countywide Beaches and Shores Council; authorizing the Mayor and City Clerk to execute an Interlocal Agreement creating a new Palm Beach Countywide Coastal Council for the purpose of information exchange and education; providing for severability; providing for repealer; providing an effective date

n. Receive and File Board Orders

- 1) Zoning Board of Adjustment
 - a) Resolution No. BA-03-13
 - b) Resolution No. BA-04-02
 - c) Resolution No. BA-04-04
 - d) Resolution No. BA-04-05

o. Receive and File Board Minutes – June 22, 2004

- 1) Boca Raton Advisory Board for the Physically & Mentally Challenged
May 6, 2004
- 2) Community Appearance Board
May 11, 2004
May 18, 2004
- 3) Education Advisory Board
April 26, 2004
- 4) Environmental Advisory Board
February 19, 2004
- 5) K-12 Education Task Force
March 30, 2004
April 22, 2004
May 18, 2004
- 6) Marine Advisory Board
May 5, 2004
- 7) Parks and Recreation
May 4, 2004 Regular Meeting
May 4, 2004 Public Meeting

- 8) Pearl City Blue Ribbon Committee
March 25, 2004
- 9) Planning and Zoning Board
May 6, 2004
May 20, 2004
- 10) Police & Firefighters' Pension Board
March 25, 2004
April 14, 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 the following hearing will be governed by the "quasi-judicial procedures" attached to this agenda.)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4783

An ordinance of the City of Boca Raton amending the Fiscal Year 2003-2004 Budget through the Second Quarterly Budget Amendment; 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.)

5. Ordinance No. 4782

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.21 acres, more or less, located at 6751 North Federal Highway, as described more particularly herein, from R-B-1 to PCD/R-B-1; providing for the appropriate revisions of the zoning district map; granting a technical deviation for parking; providing for severability; providing for repealer; providing an effective date (UC-04-06ZC)

6. Ordinance No. 4786

An ordinance of the City of Boca Raton providing for the vacation and abandonment of public utility easement, located at 954 S.W. 21st Way, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-02)

7. Ordinance No. 4787

An ordinance of the City of Boca Raton amending Chapter 18, Code of Ordinances, relating to certificates of public convenience and necessity and taxi and limousine driver's permits; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 4788

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.64 acres, more or less, located at 2100 NW 5th Avenue, as more specifically described herein, from RL (Residential Low) and RH (Residential High) to RM (Residential Medium) and granting a technical deviation for an inbound reservoir distance to a gated entrance; providing for the appropriate revisions of the future land use map; providing for severability; providing for repealer; providing an effective date (UC-04-01SC)

9. Ordinance No. 4789

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 3.64 acres, more or less, located at 2100 NW 5th Avenue, as described more particularly herein, from R-1-D (Single Family Residential), R-3-C (MultiFamily Residential) and R-3-D (MultiFamily Residential) 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-04-01ZC)

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:**

10. Resolution No. 104-2004

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 a freestanding sign that is located 1 foot from the right-of-way and contains a sign area of approximately 88 square feet per sign face located at 1950 Glades Road; providing for severability; providing for repealer; providing an effective date (SCV-04-01)

QUASI-JUDICIAL PUBLIC HEARING/APPEAL OF BOARD DECISION:

11. Resolution No. 111-2004

A resolution of the City of Boca Raton granting the appeal of the denial by the Community Appearance Board of Permit No. 04-2592 (in part); to construct two louvered cooling towers; located at 5800 Park of Commerce Boulevard NW; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

12. Selection of Voting Delegate for Florida League of Cities Annual Conference (Hollywood, Florida / August 19-21, 2004)

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.