

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 26, 2005 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Goal Setting Sessions of May 5, 2005 and May 6, 2005
Minutes of the Regular Workshop Meeting of June 27, 2005
Minutes of the Regular Meeting of June 28, 2005

PRESENTATION:

PROCLAMATIONS/RECOGNITIONS:

National Night Out – August 2, 2005
Town Center at Boca Raton Month – August 2005
Fire Explorers – National Fire Emergency Services Conference Awards

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. Builders' Board of Adjustment and Appeals – one (1) vacancy (Electrical Contractor), for a term expiring 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Scott G. Borchers, whose term expires 01/12/08.
- c. Library Advisory Board – two (2) vacancies, due to term expirations of Florence L. Mangus and Kathleen M. Murdoch, whose terms expire 8/10/05
- d. North Federal Highway Steering Committee – one (1) vacancy (Large-scale business owner in the North Federal Highway corridor), due to resignation of Thomas Salzman.
- e. Parks and Recreation Board – three (3) vacancies, due to term expirations of Ronald L. Better, Henry S. Kreh, and Donna M. Virostek, whose terms expire 7/31/05.

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) Lincoln Court Infrastructure Improvements
Requested by Municipal Services
Petro Hydro Inc. \$1,658,755
- 2) Patch Reef Park Asphalt Tennis Court Resurfacing
Requested by Recreation Services
Accurate Tennis Courts, Inc. \$85,000
- 3) Spanish River Boulevard Widening-Phase II
Requested by Municipal Services
Hardrives, Inc \$9,155,457
- 4) Irrigation Services for Camino Real Beautification
Requested by Recreation Services
Windmill Sprinkler, Co., Inc. \$123,665
- 5) Debris Removal
Requested by Utility Services
Waste Management of Palm Beach \$44,000

b. Exempt

- 1) Children's Science Explorium Exhibits
Requested by Recreation Services
Exploratorium \$35,500

c. Resolution No. 120-2005

A resolution of the City of Boca Raton authorizing the submission of a Five Year Consolidated Plan for Program Years 2005-06 through 2009-10, including an Annual Consolidated Action Plan for Program Year 2005-06, to the United States Department of Housing and Urban Development; designating the City Manager as the Chief Executive Officer for the purpose of the Community Development Block Grant Program; authorizing the City Manager to execute all applications, certifications and documents related to said program; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 121-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the purpose of the design and construction of a shared use pathway along the El Rio Canal between Yamato Road and the L-40 Canal; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 122-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Maintenance Memorandum of Agreement with the State of Florida Department of Transportation for the purpose of Glades Road Beautification (State Road 808), from Mile Post 6.388 to Mile Post 7.126 in the vicinity of the 13th Street intersection; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 123-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a combined Mutual Aid Agreement with The Sheriff's Office of Broward County for the purpose of providing shared law enforcement assistance; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 125-2005

A resolution of the City of Boca Raton amending Resolution No. 168-2004 to authorize the cost of the agreement with Siemens Financial Services, Inc. not to exceed \$612,078.51 for the purpose of leasing telephone switching equipment; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 126-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute three Revocable License Agreements with the Boca Raton Airport Authority for the purpose of placing noise monitoring towers and related equipment in City right-of-way of N.W. 5th Avenue, N.W. 55th Street and the El Rio Canal; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 127-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Florida Urban Community Forestry Grant from the Florida Department of Agriculture and Consumer Services for damages to the urban tree canopy as a result of the 2004 hurricanes; 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. 128-2005

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of May 5 and 6, 2005, and the Strategic Plan 2005-2010-2020 Update (including the Action Agenda for 2005-2006); providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Minutes – July 26, 2005

- 1) A1A Landscape Task Force
June 8, 2005
June 22, 2005
- 2) Citizen's Pedestrian & Bikeway Advisory Board
May 9, 2005
- 3) Community Appearance Board
June 14, 2005
June 21, 2005
June 28, 2005
- 4) Community Relations Board
May 16, 2005
- 5) Education Advisory board
May 23, 2005
- 6) Executive Employees' Retirement Plan
April 20, 2005
- 7) Financial Advisory Board
April 18, 2005
- 8) Historic Preservation Board
May 17, 2005
- 9) Library Advisory Board
May 18, 2005
- 10) North Federal Highway Steering Committee
June 7, 2005
- 11) Physically and Mentally Challenged Board
June 2, 2005
- 12) Planning and Zoning Board
May 19, 2005
- 13) Special Master
May 25, 2005

(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-A – QUASI-JUDICIAL CONSENT AGENDA:

(Prior to consideration of a motion to approve the quasi-judicial consent agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing.)

4. Resolution No. 117-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Calusa Estates subdivision plat, and authorizing the Mayor and City Clerk to execute the plat, providing for severability; providing for repealer; providing an effective date (SUB 04-10)

5. Resolution No. 118-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed U.S. Epperson subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-05-02)

REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

6. Resolution No. 99-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute the Consent to Termination of Declaration of Covenants and Restrictions for Lots 12 and 13, Block 16, Boca Raton Hills Section 2, located at 1865 N.W. Boca Raton Boulevard, as more specifically described herein; providing conditions for termination; providing for severability; providing for repealer; providing an effective date (SC-05-02)

7. Resolution No. 116-2005

A resolution of the City of Boca Raton granting approval for the proposed Milan at Town Center master plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-04-08)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. Ordinance No. 4881

An ordinance of the City of Boca Raton amending Section 2-328; Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 4882 *(First of two required public hearings – no vote will be taken.)*

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to adult entertainment establishments ("Regulated Uses"); adding Regulated Uses to the list of permitted uses in W-1 and M-3 zoning districts; deleting Regulated Uses from the list of permitted uses in R-B-1, B-1, B-2, B-4, or C-1 zoning districts; amending definitions related to Regulated Uses; establishing intent and purpose and regulations related thereto; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 4883

An ordinance of the City of Boca Raton amending Section 23-361, Code of Ordinances, regarding the voting requirement for minor modifications; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Resolution No. 119-2005

A resolution of the City of Boca Raton adopting an amended Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

12. Resolution No. 124-2005

A resolution of the City of Boca Raton authorizing the settlement of a Workers' Compensation Claim for Alejandro Rodriguez, a Plant Mechanic in the Utility Services Department, providing for severability; providing for repealer; providing an effective date

13. Resolution No. 129-2005

A resolution of the City of Boca Raton authorizing the settlement of a claim, Valeria Ramos vs. David Drayton and the City of Boca Raton, Fifteenth Judicial Circuit Court Case No. 502004CA003164XXXMB "AF" and City Case No. AL00-0017-PS; providing for severability; providing for repealer; providing an effective date

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.)

14. Ordinance No. 4884

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.36 acres, more or less, located at 2351 N.W. Boca Raton Boulevard, as more specifically described herein, from Residential Low (RL) to Commercial (C); amending Ordinance No. 3929 which amended the Future Land Use Element of the Comprehensive Plan for a certain property consisting of 1.0 acres, more or less, located at 2401 N.W. Boca Raton Boulevard, providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-01/SC/ZC/SPA)

15. Ordinance No. 4885

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.36 acres, more or less, located at 2351 NW Boca Raton Boulevard, as described more particularly herein, from R-1-D to B-1; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-01/SC/ZC/SPA)

16. Ordinance No. 4887

An ordinance of the City of Boca Raton providing for the vacation and abandonment of N.E. 4th Avenue between Yamato Road and N.E. 49th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-01)

17. Ordinance No. 4888

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement, located at 5001 N.E. 4th Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-05)

18. Ordinance No. 4889

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.0247 acre and located adjacent to 2555 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date (SC-04-19)

19. Ordinance No. 4890

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Drainage Easement, located at 5255 Deerhurst Crescent Circle, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-03)

20. Ordinance No. 4891

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Drainage Easement, located at 1099 Spanish River Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-02)

21. Ordinance No. 4892

An ordinance of the City of Boca Raton providing for the vacation and abandonment of Dock Street located south of S.W. 18th Street at the El Rio and Hillsboro Canals, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-01)

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:

22. Millage Notification to the Property Appraiser and Tax Collector

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.