

AGENDA

REGULAR MEETING CITY COUNCIL OF BOCA RATON MARCH 19, 2002 6:00 PM
Florida Atlantic University (Main Campus)
Barry and Florence Freidberg Lifelong Learning Center
777 Glades Road, Boca Raton, FL

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Carol G. Hanson
Council Member Dave Freudenberg
Council Member Bill Glass
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

PROCLAMATIONS/RECOGNITIONS:

PRESENTATIONS:

MINUTES:

Minutes of the Regular Workshop Meeting of February 25, 2002
Minutes of the Regular Meeting of February 26, 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. Builders' Board of Adjustment and Appeals – (1) one vacancy due to complete the term of Lee Walker. Term expires 02/15/04.
- b. Citizens' Pedestrian & Bikeway Advisory Board – (1) one vacancy due to resignation of Constance Scott. Term expires 01/12/04.
- c. General Employees' Pension Board – (1) vacancy due to term expiration of David E. Norris. Term expires 03/29/02.
- d. Planning & Zoning Board – (2) vacancies due to term expirations of Joanne Morrison and William E. Fairman. Terms expire 03/31/02.
- e. Police & Fire Pension Board – (2) vacancies due to term expirations of Richard Robinson and John D. Girard. Terms expire 03/29/02.
- f. Telecommunications Advisory Board – (1) vacancy due to resignation of Jose F. Gonzalez-Heres. Term expires 09/08/02.
- g. Zoning Board of Adjustment – (2) vacancies due to term expirations of John P. von Stetten and Steve Utrecht. Terms expire 04/10/02.

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 Bids

- 1) Palmetto Park Road Beautification
Requested by Recreation Services
B & A Construction Services Group, Inc. \$352,463
- 2) Supply & Installation of Three Phase
Uninterruptible Power System Replacement
Requested by Utility Service
Power & Systems Innovations, Inc. \$68,250

- b. Sealed Renewal
 - 1) Submersible Wastewater Pumps
Requested by Utility Service
A. Guthrie & Associates, Ellis K. Phelps & Company,
Condo Electric & Industrial Supply, Inc.
and Southeastern Pump \$200,000
- c. Competitive Sealed Proposal Renewal
 - 1) Independence Day Fireworks
Requested by Recreation Services
Zambelli Fireworks Internationale \$27,000
- d. Change Order
 - 1) Red Reef Park Renovations and Additions,
Change Order #2
Requested by Recreation Services
PRM Engineering and Contracting, Inc. \$37,822
- e. Intergovernmental Agreement
 - 1) Repairs & Maintenance of Stormwater Pipe Lining
Requested by Municipal Services
Lanzo Lining \$120,000
- f. Sole Source
 - 1) Taser Stun Guns
Requested by Police Services
DGG Taser, Inc. \$61,194

g. Resolution No. 42-2002

A resolution of the City of Boca Raton amending Resolution No. 252-89, which established a limited Interlocal Governmental Loan Program for the purpose of providing funds to finance the cost of qualifying projects within the City and within other governmental units in the State of Florida, to redesignate the representatives of the City on the First Florida Governmental Financial Commission; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 43-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from SLH Development, Inc., over certain lands located at 1200 South Rogers Circle; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 44-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for a Bulletproof Vest Partnership Grant; 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. 48-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Williams, Hatfield & Stoner, Inc., for the purpose of providing professional engineering services for stormwater management designs for the Old Floresta and Boca Raton Heights Subdivisions; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 49-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Bridge Design Associates, Inc., for the purpose of providing professional engineering services for utility crossings on bridges in the Royal Palm Yacht & Country Club Subdivision; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 50-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Williams, Hatfield & Stoner, Inc., for the purpose of providing professional engineering services for compliance with National Pollutant Discharge Elimination System Permit Year 5; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 51-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Florida Inland Navigation District Waterways Assistance Program for a police vessel dockage facility; authorizing the acceptance of said grant, if awarded; providing that the City will comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 52-2002

A resolution of the City of Boca Raton authorizing the Mayor and the City Clerk to execute an agreement with Grant Thornton LLP for the purpose of providing internal audit services; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 53-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with PMG Associates, Inc. for the purpose of providing an annexation study; providing for severability; providing for repealer; providing an effective date

p. Employee Election Certifications

- 1) Certification of the election of John Reilly as the general employees' representative on the General Employees' Pension Board for the term to expire on March 29, 2005, and the election of Nicole Gasparri as the general employees' representative on the General Employees' Pension Board for the term to expire on March 29, 2004.
- 2) Certification of the election of Chris Somers as a police services' trustee on the Police and Firefighters' Pension Board for the term to expire on March 29, 2004.
- 3) Certification of the election of Mike Gergora as the fire-rescue services' representative on the Police and Firefighters' Pension Board for the term to expire on March 29, 2004.

q. Board Resignation

- 1) Resignation of Paul Rockwell from the Citizens' Pedestrian and Bikeway Advisory Board

r. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 00-307
 - b) SM(G) Case No. 01-3341
 - c) SM(G) Case No. 1-3579
 - d) SM(G) Case No. 1-5091
 - e) SM(G) Case No. 1-5224
 - f) SM(G) Case No. 1-5231

s. Receive and File Board Minutes – March 19, 2002

- 1) Citizens' Pedestrian and Bikeway Advisory Board
January 14, 2002
- 2) Code Enforcement Board
November 20, 2001

- 3) Community Appearance Board
January 29, 2002
February 5, 2002
February 12, 2002
- 4) Downtown Visions Committee
December 11, 2001
- 5) Education Advisory Board
January 28, 2002
- 6) Financial Advisory Board
January 22, 2002
- 7) General Employees' Pension Board
January 9, 2002
February 6, 2002
- 8) Library Advisory Board
January 16, 2002
- 9) Marine Advisory Board
January 9, 2002
- 10) Off-Street Parking Committee
October 18, 2001
- 11) Parks and Recreation
January 8, 2002
- 12) Special Master
November 28, 2001
January 9, 2002
- 13) Zoning Board of Adjustment
October 1, 2001

(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:

(Note: The hearings for Resolution Nos. 45-2002, 46-2002, and 47-2002 will be held concurrently. The conduct of these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)

4. Resolution No. 45-2002

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Control Line Setback Ordinance for the Boca Raton Resort and Club located at 900 South Ocean Boulevard; repealing Resolution No. 44-82; providing for severability; providing for repealer; providing an effective date (SC-01-11)

5. Resolution No. 46-2002

A resolution of the City of Boca Raton granting conditional use approval for the Boca Beach Club on a parcel of land located at 900 South Ocean Boulevard; amending all prior approvals affecting said site to be consistent with the conditional use approval granted pursuant to this resolution; amending Resolution No. 121-76 (a conditional use approval); amending Resolution No. 324-78 (a conditional use approval) to delete all conditions; acknowledging the expiration of Resolution No. 72-96 (a conditional use approval); providing for severability; providing for repealer; providing an effective date (CA-01-06)

6. Resolution No. 47-2002

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan Approval of the proposed Boca Beach Club Planned Unit Development; providing for modification of building setbacks; providing for severability; providing for repealer; providing an effective date (PUD-01-02)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

7. Ordinance No. 4634

An ordinance of the City of Boca Raton amending Article 1, Section 1, and Article 10 of the Personnel Rules and Regulations to provide that the following positions shall be in the unclassified service and that persons appointed to the following positions shall be at will employees: Department Heads appointed on or before January 23, 1979 and Division Heads appointed on or before November 24, 1987; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 4635

An ordinance of the City of Boca Raton amending Section 8-27, Code of Ordinances, to require nonprofit religious, nonprofit charitable and nonprofit educational institutions to obtain a Certificate of Use prior to occupying a building; amending Section 8-47, Code of Ordinances, to correct certain references therein; providing for severability; providing for repealer; providing for codification; providing an effective date; providing for publication

9. Ordinance No. 4636

An ordinance of the City of Boca Raton amending Section 10-66, Code of Ordinances, Fans and air conditioners, to provide that the City Manager or designee shall administer air conditioner noise regulations and to establish noise regulations for emergency generators in residential districts; 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.)

10. Ordinance No. 4637

An ordinance of the City of Boca Raton relating to the height of buildings and nonresidential building heights in single-family residential districts; amending Section 28-2, Code of Ordinances, Definitions, “height of building” to include “height of structures”; amending Section 28-340 “conditional uses”, and Section 28-342, “building height”, Code of Ordinances, to require conditional use approval for nonresidential buildings and structures (including without limitation public utility poles) in excess of fifty feet in height in single-family residential zoning districts and to provide supplemental standards for such conditional uses; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 4638

An ordinance of the City of Boca Raton relating to Transportation Demand Management (“TDM”); creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring developments of a specified size to obtain approval of, and to implement, a TDM plan; providing for scope of Division 8; providing for definitions; providing for application for TDM plan approval; providing for contents of application; providing for TDM plan approval; providing for modification of TDM plan approval; providing for exempt developments, enlargement and renovation; providing for fee in lieu of participation, which fee in lieu of participation shall be paid instead of obtaining approval of, and implementing, a TDM plan; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4639

An ordinance of the City of Boca Raton amending Section 23-161 through Section 23-164, Code of Ordinances; amending Section 25-251 and Section 25-252, Code of Ordinances; amending Section 28-1646, Section 28-1647, Section 28-1648, Section 28-1653, Section 28-1654 and Section 28-1655, Code of Ordinances, to require certain new development, redevelopment, and additions to, and renovations of existing developments to provide safe and convenient bicycle and pedestrian facilities, to provide adequate bicycle parking facilities, and to optimize the comfort and safety of pedestrians and bicyclists; amending said

code provisions, where necessary, to provide for consistency with the Americans with Disabilities Act; amending sidewalk and bikeway policies and standards to allow the City to install sidewalks in existing subdivisions and assess the cost thereof against abutting properties, providing for severability; providing for repealer; providing for codification; providing an effective date (AM-01-07)

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:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

13. Request for Reduction in Code Enforcement Lien
7461 N. Federal Highway – Leonardo Da Munchies (Tenant)
Boca Valley Plaza
Code Enforcement Board Case #01-1095

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.