

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 9, 2002 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:

## AWARDS/RECOGNITIONS:

## MINUTES:

Minutes of the Regular Workshop Meeting of June 24, 2002  
Minutes of the Regular Meeting of June 25, 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. Education Advisory Board – (2) vacancies, due to term expirations of Cynthia R. Kamen and William Buchanan, whose terms expire 07/28/02.
- b. Parks and Recreation Board – (4) vacancies, due to term expirations of Joseph Good, Gordon J. Gilbert, Peter W. Boylan, and Edward D. Adams, Jr., whose terms expire 07/31/02.

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 Bid

- 1) Bulk Quicklime  
Requested by Utility Services  
Carmeuse Lime & Stone \$1,200,855

b. Sealed Renewals

- 1) Irrigation Supplies  
Requested by Recreation Services  
Hughes Supply, Boynton Pump and Irrigation Supply,  
Hector Turf, and Professional Pump Corp. DBA  
Professional Supply \$168,200

c. Intergovernmental

- 1) Vehicle (Replacement)  
Requested by Municipal Services  
Don Reid Ford \$45,335
- 2) Shade Structures for Gumbo Limbo Environmental Complex  
Requested by Recreation Services  
Superior Park Systems, Inc. \$49,840

d. Change Order

- 1) Gasoline and Diesel Fuel  
Requested by Municipal Services  
BV Oil Company, Lank Oil Company, Petroleum Traders Inc.  
and Port Consolidated Inc. \$50,000

e. Resolution No. 96-2002

A resolution of the City of Boca Raton relating to the levy of special assessments against the lands and real estate within the Downtown Special Assessment District of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 106-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Eskew + A Professional Corporation for the purpose of providing professional consulting services for the Gumbo Limbo Environmental Center; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 107-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Palm Beach County for the purpose of funding of hazardous materials emergency response services; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 108-2002

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Replat of a Portion of Peninsula Corporate Center Plat subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-98-03R2)

i. Resolution No. 109-2002

A resolution of the City of Boca Raton approving and accepting an Amended Easement Deed from Ocean Portfolio Properties II, L.L.C. over certain lands located at 601 South Federal Highway; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 110-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Preusse Homes, Inc. for the purpose of placement of landscaping and trees in City right-of-way; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 111-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Northern Palm Beach County Improvement District; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 112-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from the School Board of Palm Beach County, over certain lands located at 103 S.W. 1<sup>st</sup> Avenue; providing for severability; providing for repealer; providing an effective date

m. Receive and File Board Minutes – July 9 2002

- 1) Community Appearance Board  
May 21, 2002  
May 28, 2002  
June 4, 2002  
June 11, 2002
- 2) Environmental Advisory Board  
March 21, 2002
- 3) Library Advisory Board  
May 15, 2002
- 4) Marine Advisory Board  
May 8, 2002
- 5) Physically and Mentally challenged Board  
May 2, 2002
- 6) Zoning Board of Adjustment  
May 9, 2002

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*(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:**

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

4. Resolution No. 105-2002 (First of two required public hearings.)

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Campus Development Agreement between the Florida Board of Education, acting for the benefit of Florida Atlantic University, and the City of Boca Raton, for the purpose of implementation of the concurrency requirements of Chapter 240, Florida Statutes, and the mitigation of proposed Florida Atlantic University campus development impacts during the period ending December 31, 2010; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 4661

An ordinance of the City of Boca Raton amending Section 2-153, Code of Ordinances; modifying the qualifications for membership on the Community Relations Board to allow students in grade 12 to serve on the Board; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4662

An ordinance of the City of Boca Raton amending Section 13-73, Code of Ordinances; providing that all agreements for the sale or purchase of property by the City shall contain a clause whereby the purchaser or seller affirms that neither: (A) the purchaser or seller, nor (B) any current or former officer (if corporation), partner (if partnership) or equivalent authorized person (if other type of legal entity) of the purchaser or seller, has been convicted of a public entity crime, as defined in Section 287.133, Fla. Stat.; providing that all solicitation of responses involving a sale or purchase of property by the City shall inform potential responders of this requirement; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 4663

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a sale and purchase agreement with Palm Beach County for the purpose of the disposition of a parcel of land consisting of approximately 77.84 acres located generally North of N.W. 40<sup>th</sup> Street and East of Military Trail in the City of Boca Raton, Florida; authorizing the Mayor and City Clerk, or the City Manager, to execute any documents provided for or contemplated by the agreement, and to take any actions required for the implementation of the agreement; providing for severability; providing for repealer; providing an effective date

a. Resolution No. 113-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement (“Agreement”) with Palm Beach County related to the use of property purchased by the County from the City for environmental purposes, as more particularly described in the Agreement, establishing restrictions on the use of the property and providing for the City’s right to repurchase the property under certain conditions; providing for severability; providing for repealer; providing an effective date

**REGULAR BUSINESS – PART IV – SETTLEMENTS**

8. Settlement of Workers’ Compensation Case  
Ronald Mackie, Utility Services Department

**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.)*

9. Ordinance No. 4664

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Utility Easement, an Ingress/Egress and Utility Easement, and Limited Access Easements, located at Peninsula Corporate Center, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-01-EA-01)

10. Ordinance No. 4665

An ordinance of the City of Boca Raton creating new Subsection 17-6(5), Code of Ordinances, and amending Section 7-40(11), Code of Ordinances; establishing permitting and other requirements for connections to fire hydrants owned by the City or connected to the City water system (“Fire Hydrants”); establishing restrictions on the use of fire hydrants; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 4666

An ordinance of the City of Boca Raton creating a new Article V, Chapter 10, Code of Ordinances, related to vacant and unoccupied dwellings and buildings (“Vacant Buildings”); requiring a boarding certificate for securing vacant buildings; prohibiting vacant buildings from being maintained in certain conditions; providing that buildings for which a boarding certificate has been issued and whose doors, windows or other openings are secured by boarding shall, upon expiration or non-renewal of such boarding certificate, be in violation of this ordinance and shall be subject to code enforcement proceedings; providing standards for securing vacant buildings; providing for enforcement by the Special Master; 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:**

**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.