

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON NOVEMBER 25, 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:

Bronze Level Bicycle Friendly Community

MINUTES:

Minutes of the Regular Workshop Meeting of November 10, 2003
Minutes of the Regular Meeting of November 12, 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. Community Relations Board – three (3) vacancies: (2) due to term expiration of Leslie Scheper, whose term expired 07/25/03 and resignation of Vivian Sallee, whose term expires 07/25/04, and (1) due to student vacancy (Elizabeth Barron).
- b. Downtown Visions Committee - one (1) vacancy, due to resignation of Peggy McCormick, whose term expires 09/30/04.
- c. Executive Employees Retirement Plan Board of Trustees – one (1) vacancy for a two-year term (new Board).

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) Central Beach Nourishment Project
Requested by Municipal Services
Great Lakes Dredge & Dock Company \$5,000,000

b. Sealed Bid – Renewal

- 1) Body Work Repairs - Renewal
Requested by Municipal Services
Brinks Auto Body,
A-1 Truck and RV Center (formerly A-1 Auto Body) \$115,000

c. Intergovernmental Agreement

- 1) Mobile Intensive Care Vehicles - Replacements (2), New (1)
Requested by Fire-Rescue Services
American LaFrance Medic Master \$537,573

d. Sole Source

- 1) Open Software Solutions, Inc. Software Maintenance
Requested by City Manager
Open Software Solutions, Inc. (OSSI) \$184,039

- e. Exempt
- 1) Leadership Development Training
Requested by City Manager
The Goldner Group \$62,572
- f. Resolution No. 212-2003
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the Board of County Commissioners, Palm Beach County, for the purpose of developing a continuity of operations plan; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 213-2003
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Vincent N. Finelli and Mary T. Finelli for the purpose of maintaining a dock within City right-of-way for the El Rio Canal; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 214-2003
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County for the purpose of reimbursable funding improvements to the Boca Raton Inlet; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 215-2003
- 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 designing, permitting and constructing of bicycle lanes along Federal Highway; repealing Resolution No. 200-2002; providing for severability; providing for repealer; providing an effective date
- j. Resolution No. 216-2003
- 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 designing, permitting and constructing of a shared use pathway along the El Rio Canal; repealing Resolution No. 199-2002; providing for severability; providing for repealer; providing an effective date
- k. Resolution No. 217-2003
- A resolution of the City of Boca Raton supporting expansion of the membership of the Palm Beach Metropolitan Planning Organization to include voting representatives for the Town of Greenacres, Village of Royal Palm Beach, and Village of Wellington; providing for severability; providing for repealer; providing an effective date

l. Board Resignations

- 1) Resignation of Philip Bradley from the Advisory Board for the Physically and Mentally Challenged
- 2) Resignation of Kevin J. Wiley from the Telecommunications Advisory Board
- 3) Resignation of David S. Abrams from the Financial Advisory Board

m. Receive and File Board Minutes – November 25, 2003

- 1) Community Appearance Board
October 21, 2003
- 2) General Employees' Pension Board
October 9, 2003
- 3) Marine Advisory Board
October 8, 2003
- 4) North Federal Highway Steering Committee
October 20, 2003
October 27, 2003
- 5) Parks and Recreation
October 7, 2003
- 6) Physically and Mentally Challenged Board
October 2, 2003
- 7) Planning and Zoning Board
October 9, 2003
- 8) Police and Firefighters' Pension Board
August 20, 2003
September 17, 2003
- 9) Telecommunications Advisory Board
October 7, 2003
- 10) Zoning Board of Adjustment
September 11, 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:

(The public hearing on Items 4 through 9 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4723 and Resolution No. 197-2003. A separate vote will be taken on each petition.)

4. Ordinance No. 4722 *(Revised - Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.812 acres, more or less, located at 1 North Ocean Boulevard, as more specifically described herein, from C (Commercial) and RM (Residential Medium) to RH (Residential High); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-03SC/ZC/SPA)

5. Ordinance No. 4723 *(Revised)*

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.812 acres, more or less, located at 1 North Ocean Boulevard, as described more particularly herein, from B-2 (Community Business), R-2 (Multifamily Residential) and R-3 (Multifamily Residential) to R-5-A/PUD (Multifamily Residential with a Planned Unit Development overlay); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-03SC/ZC/SPA)

6. Resolution No. 197-2003

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan Approval of the proposed One North Ocean II Planned Unit Development; subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-03SC/ZC/SPA/PUD)

7. Ordinance No. 4755

An ordinance of the City of Boca Raton providing for the vacation and abandonment of water and sewer easements, located at One North Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-02)

8. Ordinance No. 4756

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of an alley, located at One North Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-03-01)

9. Ordinance No. 4757

An ordinance of the City of Boca Raton authorizing the sale of an alley consisting of approximately 0.06 acre and located at One North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-10)

(The public hearing on Items 10 through 12 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines as required for Ordinance No. 4725 and Resolution No. 210-2003. A separate vote will be taken on each petition.)

10. Ordinance No. 4724 *(Revised - Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 17.2 acres, more or less, located at 701 Canal View Drive, as more specifically described herein, from Industrial Manufacturing (IM) and Commercial (C) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-03-04)

11. Ordinance No. 4725

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 17.2 acres, more or less, located at 701 Canal View Drive, as described more particularly herein, from Manufacturing (M-3) and Motel Business (RB-1) to Multiple Family Residential (R-3); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (ZC-03/01-67500001)

12. Resolution No. 210-2003

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan Approval of the proposed Peninsula Village Greens Planned Unit Development subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-03-01)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

13. Ordinance No. 4726 *(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Comprehensive Plan; amending the Public School Facilities Element by amending Table 1.1-1 and Table 1.1-2 to provide updated tiered and maximum level of service standards for public schools; amending Table 1 of the Capital Improvement Element to incorporate the updated six-year Capital Improvement Schedule; amending the Map Appendix by amending maps PS 2.1, PS 3.1, and PS 3.3 to provide updates to school facilities planning; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-02-09)

14. Ordinance No. 4727 (Requires four votes for adoption.)

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by creating Policy LU.1.1.6 relating to the provision of municipal buildings and facilities within specific zoning districts; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-03-13)

15. Ordinance No. 4752

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an anchor easement, located at 3600 N.W. 2nd Court, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-09)

16. Ordinance No. 4753

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement, located at 520 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-11)

17. Ordinance No. 4754

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of a non-access easement, located at 520 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-10)

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.)

18. Ordinance No. 4758

An ordinance of the City of Boca Raton relating to required off-street parking; amending Section 28-1655, Code of Ordinances, to delete libraries from Section 28-1655(h), Code of Ordinances, and to establish new off-street parking requirements for libraries in Section 28-1655(kk), Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-03-06)

19. Ordinance No. 4759

An ordinance of the City of Boca Raton amending Sections 2-132, 18-27, 18-72, 18-74, 28-56, 28-131(8)(c), Code of Ordinances, and creating Section 19-310 and Subsection 2-121(6), Code of Ordinances, to establish and/or amend fees and requirements for various applications, appeals, and inspections; 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.