

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 27, 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:

National Night Out – August 3, 2004

PRESENTATION:

Legislative Update – Congressman Shaw

AWARD/RECOGNITIONS

MINUTES:

Minutes of the Regular Workshop Meeting of June 21, 2004
Minutes of the Regular Meeting of June 22, 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. Community Relations Board - one (1) vacancy, due to term expiration of Joan Upshaw, whose term expires 07/25/04.
- b. Education Advisory Board – four (4) vacancies, due to term expirations of Linda Johnson, Barbara McManus, Thomas Vinci, and Gladys Granet, whose terms expire 07/28/04.
- c. Library Advisory Board – three (3) vacancies, due to term expirations of Robert Huckshorn, Donald Homer, and Dorothy Guinn, whose terms expire 08/10/04.
- d. Parks and Recreation Board – four (4) vacancies, due to term expirations of Joseph Good, Gordon Gilbert, Peter Boylan, and Edward Adams, Jr., whose terms expire 07/31/04.

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 Bid

- 1) Yamato Road Beautification
Requested by Recreation Services
Centerline Commercial, Inc. \$351,882

b. Sealed Bid - Renewal

- 1) Emergency Medical Supplies - Renewal
Requested by Fire Rescue Services
Boundtree Medical, Inc, Southeastern Emergency Equipment,
Tri-Anim Health Services, Inc. \$90,000

c. Intergovernmental Agreements

- 1) Traffic Video Detection System Installation
Requested by Municipal Services
Signal Technology Inc. \$44,494
- 2) 800 MHZ Radios
Requested by Police Services
Motorola, Inc. \$52,468
- 3) Carpeting for Administration Building
Requested by Utility Services
Resource South Florida \$31,479

- 4) Traffic Signal Upgrades
Requested by Municipal Services
The Signal Group \$169,941
- 5) Golf Course Equipment - Replacement
Requested by Recreation Services
Wesco Turf Supply, Inc. \$72,463

d. Sole Source

- 1) LED (Light Emitting Diode) Lenses
Requested by Municipal Services
Traffic Products Inc. \$45,796
- 2) Ethernet Switches
Requested by Municipal Services
Etherwan Systems \$61,276
- 3) Traffic Signal Controllers
Requested by Municipal Services
Naztec Inc. \$78,000

e. Resolution No. 119-2004

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. 121-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 13 with Coastal Planning and Engineering, Inc. for professional engineering services for the North Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 122-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with CH2M HILL, Inc. for the purpose of engineering and construction phase services relative to the repainting of two elevated storage tanks, two lime storage silos and one digester cover located at the Utility Services Complex and one elevated storage tank located at Dixie Highway and NE 42nd Street; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 123-2004

A resolution of the City of Boca Raton approving and accepting Easement Deeds from property owners, over certain lands located on Map of Pearl City Subdivision; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 124-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance pursuant to the Gang Resistance Education and Training (G.R.E.A.T.) Program; 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. 125-2004

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 west of Executive Drive to west of Airport Road; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 126-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with KPMG LLP for the purpose of providing financial auditing services; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 127-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Environmental Protection Agency (USEPA) for the membrane softening improvements at the water treatment plant; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for 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

m. Resolution No. 128-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Contract for Construction of Required Improvements with Toll FL Limited Partnership and Toll FL GP Corporation for the purpose of ensuring timely and complete construction of subdivision improvements at Trieste at Boca; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 129-2004

A resolution of the City of Boca Raton accepting and approving the final plat known as the Trieste at Boca subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing and effective date (UC 03-06/SUB)

o. Resolution No. 130-2004

A resolution of the City of Boca Raton authorizing the amendment of the Community Development Block Grant 1997-98 and 2002-03 Annual Consolidated Action Plans; authorizing the City Manager to execute the certification; providing for severability; providing for repealer; providing and effective date

p. Resolution No. 131-2004

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for program year 2004-05 to the U. S. Department of Housing and Urban Development; designating the City Manager as Chief Executive Officer for the purpose of said program; authorizing the City Manager to execute the certifications; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 134-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive agreement for the provision of concessionaire services with Roasted Coffee Depot Co. for the purpose of coffee and food service at the Boca Raton Public Library; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 135-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Participation and Highway Maintenance Agreement with the State of Florida Department of Transportation for the purpose of beautification of Yamato Road (State Road 794), from Broken Sound Boulevard to Yamato Office Center; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 136-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the City of Delray Beach for the purpose of allowing usage by the City of Delray Beach of the future City of Boca Raton Fire Training Facility in exchange for a contribution of funds for facility construction by the City of Delray Beach; providing for severability; providing for repealer; providing an effective date

t. Resolution No. 137-2004

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of April 19 and 20, 2004, and the Strategic Plan 2004-2009-2020 Update (including the Action Agenda for 2004-2005); providing for severability; providing for repealer; providing an effective date

u. Resolution No. 138-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Easement Deed to Florida Power & Light, over certain lands at Fire Station No. 8 located at 190 S.W. 18th Street; providing for severability; providing for repealer; providing an effective date

v. Receive and File Board Orders

- 1) Special Master
 - a) SM(C) Case No. 03-68
 - b) SM(G) Case No. 04-1035

w. Receive and File Board Minutes – July 27, 2004

- 1) Citizen's Pedestrian and Bikeway Advisory Board
May 10, 2004
- 2) Community Appearance Board
May 25, 2004
June 1, 2004
June 8, 2004
June 15, 2004
June 22, 2004
- 3) Education Advisory Board
May 24, 2004
- 4) Executive Employees' Retirement Plan
January 27, 2004
- 5) Executive Employees' Retirement Plan
January 27, 2004
- 6) General Employees' Pension Board
April 8, 2004
May 13, 2004
May 14, 2004 (Joint Administration Committee Meeting)
May 19, 2004 (Education Committee Meeting)
- 7) Historic Preservation Board
May 18, 2004
- 8) Marine Advisory Board
June 2, 2004
- 9) Police and Firefighters' Pension Board
April 29, 2004
May 7, 2004 (Investment Committee Meeting)

- 10) Special Master
May 12, 2004
- 11) Zoning Board of Adjustment
May 13, 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 hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)

4. Resolution No. 120-2004

A resolution of the City of Boca Raton granting conditional use approval for J.C. Mitchell Elementary School, an I.T.V. Tower, and a technical deviation regarding driveway design, on a parcel of land located at 2401 Northwest Third Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-90-11R3)

(The public hearing on Items 5 and 6 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

5. Ordinance No. 4782 (Revised 7/27/04)

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-04-06 ZC/SPA)

6. Resolution No. 90-2004

A resolution of the City of Boca Raton granting Planned Commercial Development master plan approval of the proposed The Berkeley Office Condominium Planned Commercial Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-06PCD)

(The public hearing on Items 7 and 8 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

7. Ordinance No. 4784 (Revised 6/8/04) (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 0.18 acres, more or less, located at 161 Southwest Third Street, as more specifically described herein, from Residential Medium (RM) to Commercial (C); providing for the appropriate revisions of the Future Land Use

Map; providing for severability; providing for repealer; providing an effective date (UC-04-02 SC/ZC/SPA)

8. Ordinance No. 4785 (Revised 6/8/04)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.18 acres, more or less, located at 161 Southwest Third Street, as described more particularly herein, from R-3 to C-1; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-04-02 SC/ZC/SPA)

(The public hearing on Items 9 through 12 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

9. Ordinance No. 4788 (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 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-04-01 SC/SPA)

10. 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)

11. Resolution No. 116-2004

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan Approval for the proposed Fifth Avenue Townhomes Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-01 PUD/SUB/ZC/SC/SPA)

12. Resolution No. 118-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Fifth Avenue Townhomes Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-01 SC/ZC/SPA/PUD/SUB)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

13. 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

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.)

14. Ordinance No. 4790

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 78.97 acres, more or less, located at the southeast corner of the intersection of Military Trail and Yamato Road, north of Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to N (Conservation); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-03-09)

15. Ordinance No. 4791

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 78.97 acres, more or less, located at the southeast corner of the intersection of Military Trail and Yamato Road, north of Spanish River Boulevard, as more specifically described herein, from LIRP (Light Industrial and Research Park) to PL (Public Land); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (SC-03-09)

16. Ordinance No. 4792

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land, located at 5910 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; providing for severability; providing for repealer; providing an effective date (UC-04-05 ZC/SPA/PCD)

17. Ordinance No. 4793

An ordinance of the City of Boca Raton amending Section 19-92, Code of Ordinances, to clarify applicability and to eliminate the initial permit submittal requirement for subcontractors; amending Section 19-97, Code of Ordinances, to revise the permit expiration to be consistent with State Statute; amending Section 19-101, Code of Ordinances, to expand the alternative permitting process; amending Section 23-37, Code of Ordinances, to provide for a definition of final development order; amending Section 27-39, Code of Ordinances, to provide for additional exceptions for tree permits; amending Section 27-73, Code of Ordinances, to provide for additional exemptions for tree permits; 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:

18. Millage Notification to the Property Appraiser and Tax Collector

19. Resolution No. 132-2004

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Leif J. Ahnell, the City Manager; providing for severability; providing for repealer; providing an effective date

CITY ATTORNEY REPORTS:

20. Resolution No. 133-2004

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Diana Grub Frieser, the City Attorney; providing for severability; providing for repealer; providing an effective date

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.