

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 10, 2005 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of April 25, 2005
Minutes of the Regular Meeting of April 26, 2005

PROCLAMATIONS:

Caitlin Schaub Day – May 10, 2005
K-12 Task Force - acknowledging contribution to City
Safe Boating Week - May 21 to May 27, 2005
Emergency Medical Services Week – May 15 to May 21, 2005

AWARDS / PRESENTATIONS:

Paramedic of the Year – Jamie Smith
Distinguished Service for Education in EMS – Craig Montgomery

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. Airport Authority – two (2) vacancies due to term expirations of Bruce Benefield (resident east of I-95), and Helen Nerod (resident west of I-95) whose terms expire 06/01/05.

- 2. Responses to Workshop Information Requests:

- 3. Consent Agenda /Quasi-Judicial Approvals:
(The City Council may adopt the Consent Agenda - Quasi-Judicial Approvals portion of the Agenda without conducting a public hearing unless a City Council Member, or a member of the public, requests that a Plat be removed from Consent Agenda - Quasi-Judicial Approvals and a public hearing be conducted. In the event of such request, a public hearing shall be conducted for the Plat, under Regular Business – Part II.)

- a. Resolution No. 82-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Meridian at One North Ocean subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-04-05)

- b. Resolution No. 84-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Gardens at Memorial Park Subdivision Plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-04-01)

- 4. 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) Water Treatment Plant Color Reduction Chemical Requested by Utility Services Stockhausen, Inc.	\$76,440
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- b. Sole Source

1) Multi-Conductor TV Inspection System Vehicle – Replacement Requested by Utility Services Cues Inc.	\$128,900
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c. Resolution No. 83-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for construction of required improvements with One North Ocean, L.L.C., for the purpose of ensuring timely and complete construction of subdivision improvements to the Meridian at One North Ocean; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 87-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a mutual aid agreement with the City of Fort Lauderdale for the purpose of combined operational assistance and voluntary cooperation; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 88-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Florida Department of Environmental Protection for the purpose of providing reimbursement to the City for costs which will be incurred for the design and construction of the Spanish River Park Boat Dock and related amenities; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 89-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to an Agreement with Palm Beach County for the purpose of funding for development and construction of the Spanish River Park Boat Dock; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 90-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Solid Waste Authority of Palm Beach County for the purpose of securing an efficient, long-term and environmentally sound method to recycle biosolids; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 91-2005

A resolution of the City of Boca Raton amending Resolution No. 168-2004 to authorize the City Manager to execute the agreement with Siemens Financial Services, Inc. for the purpose of leasing telephone switching equipment; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 92-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute a renewal of, and amendments to, the Agreement with Grant Thornton LLP for the purpose of providing internal audit services; amending Article 12 and Attachments A and B of the Agreement, deleting Articles 6 and 22 of the Agreement; providing for severability; providing for repealer; providing an effective date

j. Board Resignation

- 1) Resignation of Lynda L. Leixner from the Community Relations Board.

k. Receive and File Board Orders

Special Master:

- 1) SM (G) Case No.03-268
- 2) SM (G) Case No. 04-00003642
- 3) SM (G) Case No. 04-00003680
- 4) SM (G) Case No. 05-00000262
- 5) SM (G) Case No. 05-00000630

l. Receive and File Board Minutes – May 10, 2005

- 1) Community Appearance Board
April 12, 2005
- 2) Education Advisory Board
March 28, 2005
- 3) Executive Employees” Retirement Plan
February 24, 2005
- 4) Financial Advisory Board
March 28, 2005
- 5) Historic Preservation Board
March 15, 2005
- 6) K-12 Education Task Force
December 1, 2004
- 7) Library Advisory Board
March 16, 2005
- 8) Planning and Zoning Board
March 3, 2005
March 17, 2005
- 9) Special Master
February 23, 2005
March 23, 2005
- 10) Telecommunications Advisory Board
Mach 7, 2005
- 11) Zoning Board of Adjustment
November 10, 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:

5. Resolution No. 77-2005

A resolution of the City of Boca Raton granting conditional use approval for Boca Raton Middle School, an I.T.V. Tower, and technical deviations regarding driveway design and parking stall size, on a parcel of land located at 1251 Northwest Eighth Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-09)

The public hearing on Item Nos. 6 through 9 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4854. A separate vote will be taken on each petition.

6. Ordinance No. 4853 (Continued from the 4/12/05 meeting. 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 1.23 acres, more or less, located at 300 West Yamato Road (NW 51st Street), as more specifically described herein, from RL (Residential Low) to C (Commercial); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-05 SC/ZC/SPA)

7. Ordinance No. 4854 (Continued from the 4/12/05 meeting.)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.23 acres, more or less, located at 300 Yamato Road (NW 51st Street), as described more particularly herein, from R-1-D (Single Family Residential) to B-1 (Local Business); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-03-05 SC/ZC/SPA)

8. Ordinance No. 4855 (Continued from the 4/12/05 meeting.)

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an Anchor Easement, located at 382 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-12)

9. Ordinance No. 4856 (Continued from the 4/12/05 meeting.)

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Utility Easement, located at 300 and 316 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-13)

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 Resolution No. 78-2005 and Resolution No. 79-2005. A separate vote will be taken on each petition.

10. Ordinance No. 4873

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of an unimproved alley right-of-way, located between S.E. 14th and S.E. 15th Streets, east of Dixie Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-04)

11. Resolution No. 78-2005

A resolution of the City of Boca Raton granting approval for a Planned Unit Development with a master plan for the proposed Mizner Townhomes Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-01/SPA/SUB)

12. Resolution No. 79-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Mizner Townhomes Subdivision Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-05-01/PUD/SPA)

13. Resolution No. 80-2005

A resolution of the City of Boca Raton granting an extension of an exemption pursuant to Section 23-61(2)(d)5. and/or 6., Code of Ordinances, for undeveloped land in the Arvida Park of Commerce and for undeveloped adjacent properties as more particularly described herein; providing for severability; providing for repealer; providing an effective date (SC-05-04)

14. Resolution No. 81-2005

A resolution of the City of Boca Raton approving an amended and restated agreement with the Florida Atlantic Research and Development Authority; authorizing the Mayor and City Clerk to execute the amended and restated agreement; providing for severability; providing for repealer; providing an effective date (SC-04-01)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

15. Ordinance No. 4871 *(First of two required public hearings. No vote will be taken.)*

An ordinance of the City of Boca Raton amending Sections 28-977 and 978, Code of Ordinances, pertaining to permitted and conditional uses in the Light Industrial Research Park zoning district; providing for severability; providing for repealer; providing for codification; providing for an effective date (AM-05-01)

16. Ordinance No. 4872

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; 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.)

17. Ordinance No. 4874

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Non-Access Easement, located at 1200 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-07)

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:

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

18. Resolution No. 85-2005

A resolution of the City Council of the City of Boca Raton granting the appeal of U.S. Epperson, Inc., authorizing the modification of Condition No. 12 of Planning and Zoning Board Resolution No. 05-04 at 2501 North Military Trail; providing for severability; providing for repealer; providing an effective date

PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIEN:

19. Resolution No. 86-2005

A resolution of the City of Boca Raton granting the application of Joseph E. Marinacci Jr. and Judy A. Marinacci for a reduction in the amount of the code enforcement lien imposed in Special Master Case Number 00-4311; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

20. Summer Meeting Schedule

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.