

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 23, 2005 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:

MINUTES:

Minutes of the Regular Workshop Meeting of February 7, 2005
Minutes of the Regular Meeting of February 8, 2005

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Presenting the Key to the City to Gloria Drummond

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. Marine Advisory Board – (2) two vacancies, due to term expirations of Will Mercier (Recreational Boater) and Gene Folden (Single Family-adjacent Inland Waterway), whose terms expire 03/20/05.
 - b. Special Master - (1) one vacancy, due to the resignation of Richard Gescheidt, whose term expires 03/21/06.

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) Dog Park, Phase II
Requested by Recreation Services
Weekley Asphalt Paving, Inc. \$79,449

- b. Competitive Sealed Proposal - Renewals

- 1) Printing and Distribution of the Recreator
Requested by Recreation Services
Sun Sentinel Direct \$91,588
- 2) Competitive Sealed Proposal
Mizner Park Property Maintenance
Requested by Recreation Services
Rouse Property Management, Inc. \$260,159

- c. Sealed Bid - Renewals

- 1) Landscape Maintenance Services for North Section
Requested by Recreation Services
Superior Landscaping & Lawn Service, Inc. \$91,045
- 2) Landscape Maintenance Services for Central Section
Requested by Recreation Services
Lucky Lawns, Inc. \$183,952
- 3) Landscape Maintenance Services for Downtown Section
Requested by Recreation Services
Lucky Lawns, Inc. \$154,220
- 4) Landscape Maintenance Services for East Section
Requested by Recreation Services
Lucky Lawns, Inc. \$91,045

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| 5) | Landscape Maintenance Services for South Section
Requested by Recreation Services
Superior Landscaping & Lawn Service, Inc. | \$193,715 |
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| d. | <u>Intergovernmental Agreements</u> | |
| 1) | Sodium Hydroxide
Requested by Utility Services
Allied Universal Corp. | \$85,120 |
| 2) | Light Bars and Sirens
Requested by Municipal Services
Law Enforcement Supply Company | \$32,771 |
| 3) | Toro Workman Sprayer
Requested by Recreation Services
Wesco Turf Supply, Inc. | \$28,465 |
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| e. | <u>Sole Source</u> | |
| 1) | Mobile Litter Control Vacuum System
Requested by Municipal Services
Florida Municipal Equipment, Inc. | \$34,834 |
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| f. | <u>Change Order</u> | |
| 1) | Wastewater Sludge Polymer
Change Order #1
Requested by Utility Services
Polydyne Inc. | \$36,795 |
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| g. | <u>Resolution No. 28-2005</u> | |
| | A resolution of the City of Boca Raton authorizing the Mayor and the City Clerk to execute a Subaqueous Permit Agreement with the Lake Worth Drainage District for the purpose of constructing a 16" water main and a 16" reclaimed water main under the L-43 Canal right-of-way; providing for severability; providing for repealer; providing an effective date | |
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| h. | <u>Resolution No. 29-2005</u> | |
| | A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Subaqueous Permit Agreement with the Lake Worth Drainage District for the purpose of constructing a 16" water main and a 16" reclaimed water main under the E-3 1/2 Canal right-of-way; providing for severability; providing for repealer; providing an effective date | |
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| i. | <u>Resolution No. 30-2005</u> | |
| | A resolution of the City of Boca Raton approving and accepting an easement deed from Florida Power & Light Company, over certain lands located between the Lake Worth Drainage District (LWDD) E 3 1/2 Canal and the CSX Railroad right-of-way, south of N.W. Spanish River Boulevard; providing for severability; providing for repealer; providing an effective date | |

j. Resolution No. 31-2005

A resolution of the City of Boca Raton approving and accepting an easement deed from Knight Commerce Centre, Inc., over certain lands located at 8081 North Congress Avenue; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 32-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with City National Bank of Florida and UVA Construction Co., Inc. for the purpose of placing sixteen (16) Mahogany Trees in City right-of-way of S.W. 1st Street between S.W. 3rd Avenue and S.W. 4th Avenue; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 33-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute a Subgrant Agreement with the Broward County Sheriff's Office for the purpose of receiving a robot to be utilized by the Police Department's Bomb Squad; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 34-2005

A resolution of the City of Boca Raton approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County, for certain roadways located within the limits of the annexation area of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 35-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Justice for a Senior Outreach Program; 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

o. Resolution No. 36-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Cooperative Research Agreement with the University of Central Florida for participation in the Florida Information Network for Data Exchange and Retrieval program; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 37-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Marbella Condominium Association, Inc. and The Beresford, Inc. for the purpose of providing boat dockage for City usage; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 38-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Justice, Bureau of Justice Assistance, pursuant to the Gang Resistance Education and Training 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

r. Resignation

- 1) Resignation of Cleveland Peoples from the Education Advisory Board

s. Receive and File Board Minutes – February 23, 2005

- 1) Community Appearance Board
January 18, 2005
- 2) Education Advisory Board
November 15, 2004
- 3) Environmental Advisory Board
December 16, 2004
- 4) Parks and Recreation
January 4, 2005
- 5) Pearl City Blue Ribbon Committee
November 18, 2004
- 6) Physically and Mentally Challenged Advisory Board
January 6, 2005
- 7) Planning and Zoning Board
January 6, 2005
- 8) Special Master
January 12, 2005

(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:

4. Resolution No. 21-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed MFAR Plaza subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-09)

5. Resolution No. 22-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Quality Care Plat subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-03-03)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Equalizing Resolution No. 03-E

A resolution of the City of Boca Raton City Council sitting as a Board of Equalization; adjusting, equalizing, adopting and confirming the special assessment roll for the construction of a wastewater collection system and other improvements in an area generally known as Area II, as more particularly described herein; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4841 (Continued from the February 8, 2005 meeting.)

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency ("CRA") pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. ("Tenant"); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant ("Amended and Restated Lease Agreement"); providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 4845

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.61 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from Residential Medium (RM) to Conservation (N); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-13)

9. Ordinance No. 4846

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

10. Ordinance No. 4847

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through a budget amendment, relating to annexation; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4849

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: The School District of Palm Beach County Six Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

12. Ordinance No. 4850

An ordinance of the City of Boca Raton relating to the review of development plans; revising various sections of the Code of Ordinances to provide for the review of development plans by the City staff and to provide for the inclusion of a fee for such services in the Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-02)

13. Ordinance No. 4851

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Lease Agreement with Tri-County Humane Society, Inc., for the City-owned property at 21287 Boca Rio Road and adjacent property; requiring as a condition of such Lease Agreement the assignment to Tri-County Humane Society, Inc. of a lease from Palm Beach County, Florida for such adjacent property; providing for the termination of the Turnkey Operations and Maintenance Agreement between the City and Tri-County Humane Society; 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.)

14. Ordinance No. 4848

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through a budget amendment, relating to Hurricanes Frances and Jeanne; providing for severability; providing for repealer; providing an effective date

15. Ordinance No. 4852

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a water and sewer easement, located at 900 South Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-09)

16. Ordinance No. 4853

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)

17. Ordinance No. 4854

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)

18. Ordinance No. 4855

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)

19. Ordinance No. 4856

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)

20. Ordinance No. 4857

An ordinance of the City of Boca Raton amending Section 28-1295, Code of Ordinances, pertaining to accessory buildings; and, amending Section 28-1357 pertaining to movable awnings; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-03)

21. Ordinance No. 4858

An ordinance of the City of Boca Raton amending Article V, of Chapter 7, Code of Ordinances, relating to the Community Automatic External Defibrillator Program; 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.