

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 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:

Relay for Life Days – April 12 & 13, 2002
National Telecommunicators Week – April 14 through April 20, 2002
March of Dimes WalkAmerica Day – April 27, 2002

AWARDS/RECOGNITIONS:

Distinguished Budget Presentation Award
Certificate of Achievement for Excellence in Financial Reporting Award

MINUTES:

Minutes of the Regular Workshop Meeting of March 18, 2002
Minutes of the Regular Meeting of March 19, 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. Advisory Board for the Physically and Mentally Challenged – (3) vacancies due to term expirations of Aron Breslow, Roslyn K. Rudolph, and Evelyn Panagakos Lamia. Terms expire 04/23/02.
- b. Builders’ Board of Adjustment and Appeals – (1) one vacancy due to complete the term of Lee Walker. Term expires 02/15/04.
- c. Citizens’ Pedestrian & Bikeway Advisory Board – (1) one vacancy due to resignation of Constance Scott. Term expires 01/12/04.

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 VI or as otherwise directed by the City Council.)

a. Sealed Bids

- 1) Glades Road Beautification
Requested by Recreation Services
B & A Construction Services, Group, Inc. \$282,156
- 2) Sodium Chloride, Solar Salt
Requested by Utility Service
Morton Salt \$111,189

b. Sealed Renewal

- 1) Plant Material Services
Requested by Recreation Services
Conco Horticultural, Inc. and
Sunquest Nursery of South Florida, Inc. \$132,433

c. Competitive Sealed Proposal

- 1) Police Motor Boat-Replacement
Requested by Police Services
Contender Boats, Inc. \$81,150

d. Intergovernmental Agreements

- | | | |
|----|---|----------|
| 1) | Internet Detection Software
Requested by City Manager
National Business Group | \$27,043 |
| 2) | Traffic Video Detection System
Requested by Municipal Services
Mastec ITS of Florida, Inc. | \$65,387 |
| 3) | Traffic Signal Retrofit Kits-Replacement
Requested by Municipal Services
Traffic Products, Inc. | \$49,900 |

e. Sole Source

- | | | |
|----|--|-----------|
| 1) | 800 MHz Radio System Maintenance
Requested by Police Services
Motorola | \$115,466 |
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f. Resolution No. 55-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Publix Super Markets, Inc., over certain lands located at 4141 North Federal Highway; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 56-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Spanish River Presbyterian Church, Inc., over certain lands located at 2400 Yamato Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 57-2002

A resolution of the City of Boca Raton approving and accepting a Special Warranty Deed from Spanish River Presbyterian Church, Inc., over certain lands located at 2400 Yamato Road; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 58-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Spanish River Presbyterian Church, Inc. ("Church") for the purpose of temporary use by the Church of City-owned property for parking, ingress and egress; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 59-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Panthers BRHC Ltd, over certain lands located at the Boca Raton Hotel & Club; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 61-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with LBFH, Inc. for the purpose of providing professional engineering services for sanitary and stormwater sewer facilities for the Area II Capital Improvement Project; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 62-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 1 to the Interlocal Agreement establishing the South Palm Beach County Communications Cooperative for the purpose of updating procedures for distribution of FCC radio licenses upon termination of the Agreement or withdrawal of any party to the Agreement; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 63-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the School Board of Palm Beach County related to Boca Raton High School; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 64-2002

A resolution of the City of Boca Raton defining “associate” for the purpose of interpreting contract provisions in City contracts which prohibit involvement in any political campaign for City elective office or any financial contribution to any such campaign; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 65-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the survey for the Erosion Control Line located south of the Boca Raton Inlet, between the Department of Environmental Protection Reference Monuments R-223.3 and R-227.9, which Erosion Control Line Survey (“Survey”) has been approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; approving the Survey; authorizing the City Manager to record the Survey; providing for severability; providing for repealer; providing an effective date

p. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 1-3151
 - b) SM Case No. 1-4502
 - c) SM(G) Case No. 1-4519
 - d) SM(G) Case No. 1-4624
 - e) SM(G) Case No. 1-4838
 - f) SM(C) Case No. 1-5340
 - g) SM(G) Case No. 2-86
 - h) SM(C) Case No. 2-105
 - i) SM(C) Case No. 2-247

q. Receive and File Board Minutes – April 9, 2002

- 1) Community Appearance Board
February 19, 2002
February 26, 2002
March 5, 2002
March 12, 2002
- 2) Community Relations Board
January 7, 2002
- 3) Environmental Advisory Board
September 20, 2001
- 4) Historic Preservation Board
January 15, 2002
- 5) Marine Advisory Board
February 13, 2002
- 6) Parks and Recreation
February 12, 2002
January 16, 2002 (Public Hearing)
February 19, 2002 (Public Hearing)
- 7) Physically and Mentally Challenged Board
February 7, 2002
- 8) Planning and Zoning Board
February 7, 2002
- 9) Police and Firefighters' Pension Board
January 16, 2002
- 10) Special Master
February 13, 2002

11) Telecommunications Advisory Board
February 4, 2002

(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:

(Note: The conduct of this hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

4. Resolution No. 41-2002

A resolution of the City of Boca Raton amending Resolution No. 173-98 granting modification of the conditional use approval for Saint Andrews School on a parcel of land located at 3900 Jog Road, as described more particularly herein, to increase the student enrollment and to add a science building, open air chapel and a tennis support building; providing for severability, providing for repealer, providing an effective date (CA-01-08)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4637 *(First of two required public hearings. No vote will be taken.)*

An ordinance of the City of Boca Raton relating to the height of buildings and nonresidential building heights in single-family residential districts; amending Section 28-2, Code of Ordinances, Definitions, “height of building” to include “height of structures”; amending Section 28-340 “conditional uses”, and Section 28-342, “building height”, Code of Ordinances, to require conditional use approval for nonresidential buildings and structures (including without limitation public utility poles) in excess of fifty feet in height in single-family residential zoning districts and to provide supplemental standards for such conditional uses; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4638

An ordinance of the City of Boca Raton relating to Transportation Demand Management (“TDM”); creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring developments of a specified size to obtain approval of, and to implement, a TDM plan; providing for scope of Division 8; providing for definitions; providing for application for TDM plan approval; providing for contents of application; providing for TDM plan approval; providing for modification of TDM plan approval; providing for exempt developments, enlargement and renovation; providing for fee in lieu of participation, which fee in lieu of participation shall be paid instead of obtaining approval of, and implementing, a TDM plan; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 54-2002

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule to set new user fees related to the City's Transportation Demand Management Program; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4639 (As revised)

An ordinance of the City of Boca Raton amending Section 23-161 through Section 23-164, Code of Ordinances; amending Section 25-251 and Section 25-252, Code of Ordinances; amending Section 28-1646, Section 28-1647, Section 28-1648, Section 28-1653, Section 28-1654 and Section 28-1655, Code of Ordinances, to require certain new development, redevelopment, and additions to, and renovations of existing developments to provide safe and convenient bicycle and pedestrian facilities, to provide adequate bicycle parking facilities, and to optimize the comfort and safety of pedestrians and bicyclists; amending said Code provisions, where necessary, to provide for consistency with the Americans with Disabilities Act; amending sidewalk and bikeway policies and standards to allow the City to install sidewalks in existing subdivisions and assess the cost thereof against abutting properties, providing for severability; providing for repealer; providing for codification; providing an effective date (AM-01-07)

8. Ordinance No. 4640

An ordinance of the City of Boca Raton authorizing the Mayor and City Council to execute a Sale and Purchase Agreement with the School Board of Palm Beach County for the purpose of the disposition of one parcel ("Disposition Parcel") and acquisition of another parcel ("Acquisition Parcel"), both parcels located generally south of N.W. 40th Street and east of Military Trail in the City of Boca Raton, Florida; the Acquisition Parcel consists of approximately 0.5 acre and the Disposition Parcel consists of approximately 12 acres; 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

REGULAR BUSINESS – PART IV - 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. 4641

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 2.48 acres and located between N.W. 15th Avenue and Interstate 95 at the Boca Raton Community High School; providing for severability; providing for repealer; providing an effective date (SC-01-16)

10. Ordinance No. 4642

An ordinance of the City of Boca Raton providing for the vacation and abandonment of platted utility easements, located at N.W. 15th and 16th Streets and N.W. 15th Avenue in Country Club Village Section E, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-01-EA-07)

11. Ordinance No. 4643

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 16th Street, located between N.W. 15th Avenue and Boca Raton Community High School, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-01-03)

12. Ordinance No. 4644

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a platted utility easement, located at 7898 North Federal Highway, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (E-00-EA-11)

13. Ordinance No. 4645

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of George A. Long Alley located between S.E. 5th and S.E. 6th Streets, west of Federal Highway in the Downtown Development of Regional Impact, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-00-05CRP)

14. Ordinance No. 4646

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of platted utility easements, located at 300 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-01)

15. Ordinance No. 4647

An ordinance of the City of Boca Raton amending Section 19-92(2), Code of Ordinances, which provides that no building permit shall be required for repairs to an existing permitted fence or wall at an existing detached single-family residence which do not exceed \$1,000.00 in total cost, to clarify that work that includes a change of the building materials, width, height or location of a fence or wall shall not be considered a "repair" to the fence or wall, and shall require a building permit; providing for severability; providing for repealer; providing for codification; providing an effective date

REGULAR BUSINESS - PART V - 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 VI - RESOLUTIONS AND OTHER BUSINESS:

APPEAL OF COMMUNITY APPEARANCE BOARD DECISION:

16. Appeal of Community Appearance Board Decision
Sign – Altman Companies
Permit #98-2379

CITY MANAGER RECOMMENDATIONS AND REPORTS:

17. Boca Raton Airport Authority – Noise Compatibility Committee Update
18. Martin Luther King, Jr. Foundation

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.