

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 22, 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:

National Night Out – August 5, 2003

MINUTES:

Minutes of the Regular Workshop Meeting of July 7, 2003
Minutes of the Regular Meeting of July 8, 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. Financial Advisory Board – two (2) vacancies due to term expirations of Christina A. Hutchison and Jeffrey D. Lowe, whose terms expire 08/26/03.
- b. Library Advisory Board – two (2) vacancies due to term expirations of Robert C. Keltie and Elizabeth E. Grinnan, whose terms expire 08/10/03.

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) Street Resurfacing Program
Requested by Municipal Services
Weekley Asphalt Paving, Inc \$462,810
- 2) SW 7th Avenue Bridge Widening for Pedestrians
Requested by Municipal Services
Majestic Group Enterprises \$147,419
- 3) Emergency Medical Supplies
Requested by Fire Rescue Services
Aero Products Corp. d/b/a American LaFrance Medicmaster,
Boundtree Medical, Inc., Southeastern Emergency Equipment,
Tri-Anim Health Services, Inc. \$136,250

b. Intergovernmental Agreement

- 1) Road Construction Materials
Requested by Municipal Services/ Utility Services
Austin Tupler Trucking, Community Asphalt,
Conrad Yelvington Distributor Inc., Hardrives of Delray \$43,500
- 2) City Hall Plaza
Requested by Police Services
Recreational Design & Construction, Inc. \$187,750

c. Emergency

- 1) Wastewater Line Repairs
Requested by Utility Services
Man-Con, Inc. \$27,600

d. Resolution No. 124-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Federal Emergency Management Agency pursuant to the purchase of equipment, supplies, and printing of materials for the City of Boca Raton Community Emergency Response Team (CERT); 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

e. Resolution No. 125-2003

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2003-04 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 certification; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 126-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Memorandum of Understanding with Boca Technology Center, LLC (“BTC”) and assignees of BTC, Stiles/BLP, LLC, Shoppes of Blue Lake I, Inc. and Shoppes of Blue Lake II, LLC; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 127-2003

A resolution of the City of Boca Raton adopting the travel/per diem expense policy of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 128-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with LM Engineering, Inc., DBA GFA International for the purpose of providing professional engineering services for concrete, soils, geotechnical and asphalt testing and inspection services; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Minutes – July 22, 2003

- 1) Boca Raton Housing Authority
May 28, 2003
- 2) Civil Service Board
April 11, 2002

- 3) Community Appearance Board
June 10, 2003
June 17, 2003
June 24, 2003
- 4) Education Advisory Board
May 19, 2003
- 5) Parks and Recreation Board
June 3, 2003
- 6) Pearl City Blue Ribbon Committee
April 24, 2003
- 7) Police & Firefighters' Pension Board
May 21, 2003
- 8) Special Master
May 28, 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 Ordinance Nos. 4715 and 4716 and Resolution Nos. 109-2003 and 110-2003 will be conducted contemporaneously. A separate vote will be taken on each petition.

4. Ordinance No. 4715

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 8.85 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-01)

5. Ordinance No. 4716

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 8.85 acres, more or less, located at 1330 North Military Trail, as described more particularly herein, from RB1/PCD (Motel Business District/Planned Commercial Development) to PUD/R-3 (Planned Unit Development/Multifamily Residential District); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-01)

6. Resolution No. 109-2003

A resolution of the City of Boca Raton granting Planned Unit Development master plan approval of the proposed Fairfield Gardens Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-01)

7. Resolution No. 110-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Fairfield Gardens Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-01)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

The public hearing on Ordinance Nos. 4717, 4718 and 4719 will be conducted contemporaneously. A separate vote will be taken on each petition.

8. Ordinance No. 4717 (Second of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Glades Road, east of Saint Andrews Boulevard, north of Lake Worth Drainage District Canal No. L-46 west of Military Trail and north of Lake Worth Drainage District Canal No. L-47 east of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

9. Ordinance No. 4718 (Second of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Town Center Mall, east of Saint Andrews Boulevard, north of West Palmetto Park Road and west of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

10. Ordinance No. 4719 (Second of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located north of Glades Road and east of Powerline Road and comprising all currently unincorporated property in the Santa Barbara residential community, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4720

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease agreement with the Children's Museum, Inc. for the City-owned property located at 498 Crawford Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-06)

12. Ordinance No. 4721

An ordinance of the City of Boca Raton amending Sections 19-71 through 19-75, Code of Ordinances, relating to appeals from fire and building codes; creating Sections 19-76 and 19-77, Code of Ordinances, relating to variances to Chapter 22, Code of Ordinances; amending Sections 22-56 through 22-65, Code of Ordinances, relating to marine structures; creating Section 22-66, Code of Ordinances relating to non-conforming structures; renumbering Section 22-67, Code of Ordinances; creating Section 22-68, Code of Ordinances, relating to the granting of variances; amending Section 28-1486, Code of Ordinances, relating to mooring; 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.)

13. Ordinance No. 4722

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)

14. Ordinance No. 4723

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)

15. Ordinance No. 4724

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)

16. 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)

17. Ordinance No. 4726

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)

18. Ordinance No. 4727

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)

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:

19. Selection of Canvassing Board Member

CITY MANAGER RECOMMENDATIONS AND REPORTS:

20. Setting of the date for the public hearing on the petition for a Notice of Proposed Change (NOPC) for Boca Technology Center Development of Regional Impact (DRI)
21. Millage Notification to the Property Appraiser and Tax Collector

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.