

## **AGENDA**

**REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 14, 2003 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/PRESENTATIONS:**

### **MINUTES:**

Minutes of the Regular Workshop Meeting of December 9, 2002  
Minutes of the Regular Meeting of December 10, 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:

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) Spanish Village Commercial Area Improvements Project, Phase 1  
Requested by Utility Services  
Ocean Bay Construction, Inc. \$1,805,829

2) Automotive, Light and Heavy Duty Truck Parts  
Requested by Municipal Services  
Primary awards to: Boca Raton Auto Parts, Total Truck Parts,  
Secondary Awards to: American Battery,  
Cold Air Distributors, Florida Brake and Trucks Parts,  
General GMC, L & L Distributors, NAPA Auto Parts,  
S & H Distributors Inc., Southern Automotive Products  
and Vehicle Maintenance Program Inc. \$334,000

b. Resolution No. 5-2003

A resolution of the City of Boca Raton announcing the regular election to be held in and for the City of Boca Raton on the 11<sup>th</sup> day of March, 2003; providing for publication; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 6-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 2 to the Interlocal Agreement between the Cities of Boca Raton, Delray Beach, Boynton Beach, and Palm Beach County for the purpose of allowing access to the communications systems owned by Palm Beach County, including the Motorola SmartZone Controller; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 7-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from MMS Holdings, L.L.C., over certain lands located at 1801 South Federal Highway; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 8-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Gold Coast Properties, a Florida LLC, a Florida Limited Liability Company, over certain lands located at 3301 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 9-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Cabesa Holding Corporation, over certain lands located at 3335 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 10-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the Florida Philharmonic Orchestra for the purpose of providing performances which are free to the public; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 11-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the Boca Tierra Homeowners Association, Inc., (“Association”) for the purpose of repairing sidewalks at the expense of the Association; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 12-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Carriage Homes at Woodfield Hunt Club Homeowners Association, Inc. and Woodfield Hunt Club Homeowners Association, Inc. for the purpose of providing for the maintenance of the painting of traffic signal mast arm poles on the south and north sides of Powerline (Jog) Road and N.W. 44 Street; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 13-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Coastal Planning and Engineering, Inc. for professional engineering services for the Central Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 14-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Coastal Planning and Engineering, Inc. for professional engineering services for the South Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 15-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with Coastal Planning and Engineering, Inc. for professional engineering services for the North Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 16-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Coastal Planning and Engineering, Inc. for professional engineering and surveying services for the South Beach Renourishment Project, and the Boca Raton Inlet and adjacent beaches Beach Monitoring Program; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 17-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Community Affairs, Division of Emergency Management, for the development of a municipal comprehensive emergency management plan; 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. 18-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health for the purchase of a fire rescue boat; 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

p. Resolution No. 19-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement for professional services with Tectonic Engineering and Surveying Consultants, P.C. for the purpose of developing a Vulnerability Assessment and an Emergency Operations Plan for the City of Boca Raton's water system; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 20-2003

A resolution of the City of Boca Raton approving a Park Master Plan for the approximately 300 acres of land acquired by the City which was formerly part of the Boca Technology Center; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 21-2003

A resolution of the City of Boca Raton amending the name of a street in Briarcliff at Woodfield; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 22-2003

A resolution of the City of Boca Raton amending the name of a street in Somerset at Woodfield; providing for severability; providing for repealer; providing an effective date

t. Resignations

- 1) Resignation of Matthew S. Nelles from the Education Advisory Board
- 2) Resignation of Grace Pertile from the Boca Raton Advisory Board for the Physically and Mentally Challenged
- 3) Resignation of Mark Traveis from the Citizens' Pedestrian and Bikeway Advisory Board

u. Receive and File Board Minutes – January 14, 2003

- 1) Citizens' Pedestrian and Bikeway Advisory Board  
November 18, 2002
- 2) Community Appearance Board  
November 12, 2002  
November 19, 2002  
November 26, 2002
- 3) Community Relations Board  
October 21, 2002

- 4) Education Advisory Board  
November 25, 2002
- 5) Financial Advisory Board  
September 30, 2002
- 6) General Employees' Pension Board  
November 6, 2002  
November 26, 2002
- 7) General Employees' and Police and Firefighters' Pension Board  
November 13, 2002
- 8) Historic Preservation Board  
October 15, 2002
- 9) Library Advisory Board  
November 20, 2002
- 10) Parks and Recreation  
November 12, 2002
- 11) Physically and Mentally Challenged Board  
November 7, 2002
- 12) Planned Unit Development Subcommittee  
August 22, 2002
- 13) Police & Firefighters' Pension Board  
October 16, 2002  
November 20, 2002
- 14) Special Master  
November 13, 2002
- 15) Telecommunications Advisory Board  
November 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:**

4. Resolution No. 2-2003

A resolution of the City of Boca Raton granting conditional use approval for a clubhouse for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5801 NW 2<sup>nd</sup> Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-02-06)

5. Resolution No. 3-2003

A resolution of the City of Boca Raton granting master plan approval for a golf course for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5800 NW 2<sup>nd</sup> Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (SC-02-17)

6. Resolution No. 4-2003

A resolution of the City of Boca Raton granting conditional use approval for a golf course for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5800 NW 2<sup>nd</sup> Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-02-07)

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

7. Ordinance No. 4684

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$17,500,000 general obligation bonds, in one or more series, of the City of Boca Raton, Florida; authorizing the use of the proceeds therefrom for the purposes described in Resolution No. 115-2002; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date

(a) Resolution No. 1-2003

A resolution relating to the issuance of General Obligation Bonds, Series 2003 (Fire Station Projects), of the City of Boca Raton, Florida in the aggregate principal amount of not exceeding \$17,500,000 authorized under Ordinance No. 4684 for the purposes of financing the renovation and improvement and/or replacement of five (5) existing fire stations and related administration building and support facility; providing for the terms and payment for said Bonds; incorporating by reference the

terms and provisions of Ordinance No. 4684; establishing the maturity schedule in connection therewith; authorizing the City Manager or the Director of Financial Services of the City to publish a summary notice of sale and to receive bids pursuant to a competitive sale of said Bonds and award the sale of said Bonds to the responsive bidder offering the lowest true interest cost to the City which shall not exceed six percent; approving the execution and delivery of said Bonds and appointing a Bond Registrar and Paying Agent; approving and ratifying the preparation and use of an Official Notice of Bond Sale and Bid Form, a Preliminary Official Statement and Final Official Statement; providing for the rights, remedies and security of the holders of said Bonds; providing for certain other matters in connection therewith; authorizing the proper officers to do all things necessary and advisable; and providing for an effective date

**REGULAR BUSINESS – PART IV – PUBLIC HEARINGS/SETTLEMENTS:**

8. Settlement of Workers' Compensation Claim  
Candice DeVol
9. Settlement of Liability Case – GL00-0053-MS  
Patricia Sanderson
- 9.a. Settlement of Liability Cases – CL 00-777 “AE”; CA-01-06039 “AN”  
Boca Airport, Inc. d/b/a Boca Aviation  
Premier Aviation LLC

**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.)*

10. Ordinance No. 4686 *(Requires two public hearings.)*

An ordinance of the City of Boca Raton creating Section 28-1305, Code of Ordinances, to provide that in all zoning districts certain parks and park facilities and City water, sewer, reclaimed water, and stormwater facilities and appurtenances shall be permitted uses, to provide that in all nonresidential zoning districts any buildings, facilities and uses owned, operated, utilized or conducted by the City (inclusive of police and fire stations) shall be a permitted use, and to provide that in all residential zoning districts City police and fire stations (and related facilities) shall be a conditional use; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-02-12/02-92500013)

11. Ordinance No. 4687

An ordinance of the City of Boca Raton relating to the General Employees' Pension Board; amending Subsection 12-87(13), Code of Ordinances, to create an exemption to the review and reconsideration procedure for one-time only purchases and distributions not exceeding five hundred (\$500) dollars; 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:**

12. Selection of Canvassing Board Member

**PUBLIC HEARINGS - APPEAL OF BOARD DECISIONS:**

*(If you are planning to speak during 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 these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)*

13. Community Appearance Board – Permit No. 02-74430  
Verizon Wireless  
777 Yamato Road
14. Community Appearance Board – Permit No. 028017  
GMC Properties  
1377 Clint Moore Road

**PUBLIC HEARING - APPEAL OF CITY MANAGER DECISION:**

15. Driver Permit Denial – Darren Jay McMorrow

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

16. Marine Structures – Canal Width Policy

**CITY ATTORNEY REPORTS:**

**MAYOR AND COUNCIL MEMBER REPORTS:**

17. Sister-City Relationship with Spandau, Germany – Mayor Abrams

**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.