

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 8, 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:**

Palm Beach County School Readiness Coalition, Inc. (SRC) – Presentation of Plaque to City  
Proclamation - National Telecommunicators Week – April 13 through April 19, 2003

## **AWARDS/RECOGNITIONS:**

## **MINUTES:**

Minutes of the Regular Workshop Meeting of March 24, 2003  
Minutes of the Regular Meeting of March 25, 2003  
Minutes of the Organizational Meeting of March 31, 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. Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Mary C. Lavallo, Gladys M. Wilde, Margarita T. Castellon, and Lee F. Glynn, and resignation of Grace Pertile; all terms expire 04/23/03.
- b. Planning & Zoning Board – two (2) vacancies; one (1) vacancy due to term expiration of Lawrence M. Sehres, whose term expired 03/31/03; and one (1) vacancy due to resignation of Joanne Morrison, whose term expires 03/31/05.

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 Bids

- 1) Hurricane Shutters  
Requested by Municipal Services  
Folding Shutter Corporation \$61,140
- 2) Maintenance and Testing of 5000 & 480 Volt  
Equipment - Renewal  
Requested by Utility Services  
Electro-Test, Inc. \$35,500

b. Intergovernmental Agreements

- 1) Vehicle (New)  
Requested by Municipal Services  
Alan Jay Chevrolet, Inc. \$35,896
- 2) Light Bars and Sirens  
Requested by Municipal Services  
Law Enforcement Supply Company \$30,507

c. Sole Source

- 1) Access Control System  
Requested by Fire Rescue Services  
Johnson Controls, Inc. \$40,725

d. Resolution No. 59-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with The Land Stewardship Company for the purpose of providing professional design services for upgrades and modifications to Meadows Park Pool; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 60-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Jefferson at Camino Real, L.P., over certain lands located at 33 East Camino Real; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 61-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Federal Emergency Management Agency for equipment to implement a comprehensive fire ground safety 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

g. Resolution No. 62-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Project Participation Agreement with Palm Beach County for the purpose of funding certain water, electrical and sanitary sewer utility adjustments and improvements during the construction of Clint Moore Road from State Road 7 to Jog Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 63-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Williams, Hatfield & Stoner, Inc., for the purpose of providing professional engineering services for compliance with the National Pollutant Discharge Elimination System Permit; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 64-2003

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

j. Resignations

Resignation of Linda St. John-Hunter from the Educational Advisory Board

k. Receive and File Board Minutes – April 8, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
February 10, 2003
- 2) Community Appearance Board  
February 4, 2003  
February 25, 2003  
March 4, 2003
- 3) Downtown Visions Committee  
January 9, 2003
- 4) General Employees' Pension Board  
February 12, 2003
- 5) Historic Preservation Board  
February 18, 2003
- 6) Library Advisory Board  
February 19, 2003
- 7) Physically and Mentally Challenged Board  
February 6, 2003
- 8) Police & Firefighters' Pension Board  
February 19, 2003
- 9) Special Master  
November 27, 2002  
February 12, 2003
- 10) Zoning Board of Adjustment  
November 14, 2002

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*(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. 4682 and 4683 and Resolution Nos. 44-2003 and 45-2003 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4683 and Resolution No. 44-2003. A separate vote will be taken on each petition.*

4. Ordinance No. 4682 (Revised 4/8/03) (Second of two required public hearings)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 21.582 acres, more or less, located at 550 NW Spanish River Boulevard, as more specifically described herein, from RL (Residential Low) 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-01-03SC)

5. Ordinance No. 4683 (Revised 4/8/03) (Quasi-judicial)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 21.582 acres, more or less, located at 550 Spanish River Boulevard, as described more particularly herein, from R1D (Single Family Residential) 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-01-03ZC)

6. Resolution No. 44-2003 (Quasi-judicial)

A resolution of the City of Boca Raton granting planned unit development master plan approval of the proposed Villas at Spanish River Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-01-03PUD)

7. Resolution No. 45-2003

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

*Separate public hearings will be conducted for the three following, related petitions. A separate vote will be taken on each petition.*

8. Ordinance No. 4695 (Revised 4/8/03) (Second of two required public hearings)

An ordinance of the City of Boca Raton amending Article XII, Division 2, Code of Ordinances, to add a new Section 28-985 to create a new conditional use to be known as a conditional intermodal node use (a use promoting the movement of people by modes of travel other than the automobile), and certain subordinate conditional uses contained in a conditional intermodal node, in the light industrial research park (LIRP) zoning district; establishing land development regulations for a conditional intermodal node use; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Resolution No. 57-2003 (*Quasi-judicial*)

A resolution of the City of Boca Raton granting conditional use approval and conditional intermodal node master plan approval for the Boca Raton Tri-Rail Station, Boca Technology Center, on a parcel of land located at 680 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-03)

10. Resolution No. 65-2003 (*Quasi-judicial*)

A resolution of the City Council of the City of Boca Raton granting the appeal of the Tri-County Commuter Rail Authority; granting site plan approval for Phase 1 of the Boca Raton Tri-Rail Station, subject to conditions (SPA-03-03); providing for severability; providing for repealer; providing an effective date

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

11. Ordinance No. 4693 (*Revised 4/8/03*) (*Continued from 3/25/03*)

An ordinance of the City of Boca Raton, Florida, authorizing the negotiation of a loan in an aggregate amount not to exceed \$3,000,000 from the First Florida Governmental Financing Commission; approving the refinancing of a prior loan made by the Commission to the City; approving the execution and delivery of a loan agreement with the First Florida Governmental Financing Commission; approving the execution and delivery of an Escrow Deposit Agreement; approving the execution of and delivery of a Continuing Disclosure Certificate; providing certain other matters in connection with the making of such loan; and providing an effective date

12. Ordinance No. 4694

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement, located at 777 and 829 Bailey Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-06)

13. Ordinance No. 4696

An ordinance of the City of Boca Raton amending Section 8-46, Code of Ordinances, to increase the occupational license tax rates therein; providing for severability; providing for repealer; providing for codification; providing an effective date

14. Ordinance No. 4697

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.38 acre and located at 4300 and 4370 N.W. 2<sup>nd</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SC-02-20)

15. Ordinance No. 4698

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.17 acre and located at 3743 N.W. 4<sup>th</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SC-02-19)

16. Ordinance No. 4700

An ordinance of the City of Boca Raton creating a uniform procedure for appointment of legal counsel for City boards; amending Section 2-447, Code of Ordinances, to provide that the City Attorney shall appoint attorneys as board counsel for City boards and set compensation for such counsel; amending the Code of Ordinances to repeal the existing provisions for appointment of board counsel for the Builders' Board of Adjustment and Appeals, the Code Enforcement Board, the Zoning Board of Adjustment, and the Civil Service Board (as set forth in Article 16, Section 2(G) of the Personnel Rules and Regulations); providing for severability; providing for repealer; providing an effective date

17. Ordinance No. 4701 (Revised 4/8/03)

An ordinance of the City of Boca Raton relating to Substance Abuse Treatment Facilities; amending Section 28-2, Code of Ordinances, to revise the definition of Substance Abuse Treatment Facilities; amending Section 28-197, Code of Ordinances, to modify the time period for compliance with Ordinance No. 4649 applicable to a facility that existed as of May 29, 2002; 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.)*

18. Ordinance No. 4702

An ordinance of the City of Boca Raton relating to conditional approvals pursuant to Article VI, Chapter 23, Code of Ordinances (“conditional approvals”); providing for the automatic expiration of certain conditional approvals, including but not limited to conditional approvals which grant a residential future land use element map designation for residential zoning, for developments for which building permits have not been sought or obtained; 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:**

**QUASI-JUDICIAL PUBLIC HEARING/APPEAL OF BOARD DECISION:**

*(If you are planning to speak during the following public hearing, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of this hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)*

**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.