

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON MAY 13, 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:**

Proclamation – National Beach Safety Week – May 19 through May 26, 2003  
Proclamation – National Safe Boating Week – May 17 through May 23, 2003

## **MINUTES:**

Minutes of the Regular Workshop Meeting of April 21, 2003  
Minutes of the Regular Meeting of April 22, 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. Airport Authority – two (2) vacancies due to term expirations of Bruce Benefield (resident east of I-95) and Stanford Morris (resident west of I-95), whose terms expire 6/01/03.
- b. Boca Raton Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Mary C. Lavalle, Gladys M. Wilde, Margarita T. Castellon, and Lee F. Glynn, whose terms expired 4/23/03, and the resignation of Grace Pertile, whose term expired 4/23/03.
- c. Education Advisory Board – four (4) vacancies: two (2) due to resignations of Linda St. John-Hunter, whose term expires 7/28/03, and Joseph Abruzzo, whose term expires 7/28/04; and two (2) due to resignation of student “ex officio” member Abraham Obadia and appointment of student “ex officio” member Yuri Konnikov to that of a voting Board member.

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) Landscape Maintenance for Red Reef Golf Course  
Requested by Recreation Services  
Custom Care, Inc. \$51,540
- 2) Westinghouse Electrical Spare Parts  
Requested by Utility Services  
Erin Electrical Enterprises, Inc. \$150,000
- 3) Fence Installation for Utility Services Facilities  
Requested by Utility Services  
Anything in Fence \$93,705

b. Sealed Bid Renewals

- 1) Grit Removal - Renewal  
Requested by Utility Services  
Waste Management of Palm Beaches \$63,000
- 2) Wastewater Sludge Polymer - Renewal  
Requested by Utility Services  
Polydyne, Inc. \$125,000

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|----|---|-----------|
| 3) | Water Treatment Plant Color Reduction Polymer - Renewal<br>Requested by Utility Services<br>Stockhausen, Inc.                                 | \$116,021 |
| 4) | Fence Installation, Removal and Repairs - Renewal<br>Requested by Recreation Services, Municipal Services<br>Anything in Fence                | \$56,200  |
| 5) | Plant Material Services - Renewal<br>Requested by Recreation Services<br>Conco Horticultural, Inc.<br>Sunquest Nursery of South Florida, Inc. | \$155,843 |

c. Intergovernmental Agreements

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|----|---|-----------|
| 1) | Anhydrous Ammonia<br>Requested by Utility Services<br>Tanner Industries, Inc.                                 | \$29,680  |
| 2) | Tracker Loader Backhoe - Replacement<br>Requested by Recreation Services<br>Joe Money Machinery Company, Inc. | \$33,721  |
| 3) | Storm Drainage Repair and Rehabilitation<br>Requested by Municipal Services<br>Insitiform Technologies Inc.   | \$200,000 |

d. Resolution No. 84-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Mathews Consulting, Inc. for the purpose of providing consulting engineering services for the installation of a 16-inch reclaimed water main on Airport Road; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 86-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for sale and purchase with Orchard View Development Limited, an Ontario Corporation, for the acquisition of real property in connection with the construction, reconstruction and maintenance of NW 5 Avenue/NW 35 Street; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 87-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the purpose of design and construction of improvements at Federal Highway and NE 10 Street intersection; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 88-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Palm Tran for the purchase of bus shelters; 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

h. Resolution No. 89-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Ecological Associates, Inc. for the purpose of providing a manatee data collection study; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Orders

- 1) Special Master
  - a) SM (G) Case No. 00-233
  - b) SMG Case No. 02-002012
  - c) SM (G) Case No. 03-00000035
  - d) SM (G) Case No. 03-497
  - e) SM (G) Case No. 02-00003667
- 2) Builders' Board of Adjustment and Appeals
  - a) Order of Decision  
Case No. BBAA-03-2475

j. Receive and File Board Minutes – May 13, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
March 10, 2003
- 2) Community Appearance Board  
April 1, 2003  
April 8, 2003
- 3) Community Relations Board  
March 24, 2003
- 4) Environmental Advisory Board  
January 29, 2003
- 5) Financial Advisory Board  
April 7, 2003
- 6) General Employees' Pension Board  
March 13, 2003
- 7) Historic Preservation Board  
March 18, 2003

- 8) Library Advisory Board  
March 19, 2003
- 9) Pearl City Blue Ribbon Committee  
February 27, 2003
- 10) Physically and Mentally Challenged Board  
March 6, 2003
- 11) Planning and Zoning Board  
March 20, 2003  
April 3, 2003

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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 PUBLIC HEARINGS:**

4. Resolution No. 82-2003

A resolution of the City of Boca Raton granting conditional use approval for a substance abuse treatment facility on a parcel of land located at 7000 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA 02-10)

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

5. Ordinance No. 4704

An ordinance of the City of Boca Raton creating a New Rule 1.70 of Section 2-27, Code of Ordinances, relating to rules of procedure of the City Council; establishing procedural rules for the computation of time periods for the filing and hearing of appeals of board actions to the city council; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4705

An ordinance of the City of Boca Raton amending Section 7-41, Code of Ordinances, to prohibit the use of fireworks, pyrotechnic special effects, flame effects, or similar devices inside buildings or other enclosed spaces, and to specify the requirements for outdoor use of fireworks, pyrotechnic special effects, flame effects, or similar devices; 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.)*

7. Ordinance No. 4703

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$19,800,000 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. 71-2003; 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

8. Ordinance No. 4706

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Lane Use Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

9. Ordinance No. 4707

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as described more particularly herein, from R-B-1 (Motel Business) and B-4 (General Business) to R-3 (Multifamily Residential); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

10. Ordinance No. 4708

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4709

An ordinance of the City of Boca Raton creating Sections 23-38 and 23-39, Code of Ordinances; establishing procedures and standards for approval of transportation concurrency exemptions for not-for-profit medical facilities that promote public transportation; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4710

An ordinance of the City of Boca Raton relating to the height of buildings and structures (specifically public utility poles) in single-family residential districts; amending Section 28-2, Code of Ordinances, Definition, "Height Of Building"; amending Section 28-342, "Building Height", Code of Ordinances; 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/REQUEST FOR VARIANCE  
FROM CHAPTER 24 – SIGN CODE:**

*(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. The conduct of this hearing will be governed by the "quasi-judicial procedures" attached to this agenda.)*

13. Resolution No. 85-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b), Code of Ordinances, to construct one (1) additional freestanding sign generally perpendicular to an on-premises frontage at 1200 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-03-01)

**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. The conduct of this hearing will be governed by the "quasi-judicial procedures" attached to this agenda.)*

14. Resolution No. 56-2003 (Continued from the March 25, 2003 meeting)

A resolution of the City Council of the City of Boca Raton granting the appeal of Verizon Wireless; authorizing the installation of a Verizon Wireless wall sign at 777 Yamato Road pursuant to Permit No. 03-0659; providing for severability; providing for repealer; providing an effective date

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

15. Hedge Violation – 698 East Conference Drive

16. Summer Meeting Schedule

**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.