

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 28, 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:

AWARDS/RECOGNITIONS:

MINUTES:

Minutes of the Regular Workshop Meeting of May 12, 2003
Minutes of the Regular Meeting of May 13, 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:

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)	Site Preparation, Fire Rescue Station #8 Requested by Fire-Rescue Services Hardrives, Inc.	\$467,400
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b. Competitive Sealed Proposals

1)	Large Turf Equipment (Replacement) Requested by Recreation Services Hector Turf	\$45,580
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2)	Police Motor Boat (Replacement) Requested by Police Services Intrepid Southeast, Inc.	\$93,000
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c. Intergovernmental Agreements

1)	Utility Tractor (Replacement) and Aerator (New) Requested by Recreation Services John Deere Company	\$33,390
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2)	Traffic Signal Retrofit Kits (Replacement) Requested by Municipal Services Temple Inc.	\$26,360
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d. Resolution No. 91-2003

A resolution of the City of Boca Raton accepting and approving the final plat known as the 101 North Federal Highway subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 03-01)

e. Resolution No. 92-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Coastal Planning and Engineering Inc. for preliminary engineering and geotechnical services for the North Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 94-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Declaration of Canal Easement for canal purposes, over certain lands located at Lake Wyman Park; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 95-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for a Community Oriented Policing Services (COPS) Universal Hiring Program grant; 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. 96-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a telecommunications system rights-of-way use agreement with Brasil Telecom of America Inc. for the purpose of the use of public rights-of-way for telecommunications purposes; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Minutes – May 28, 2003

- 1) Builders' Board of Adjustment and Appeals
December 3, 2002
- 2) Community Appearance Board
April 15, 2003
April 22, 2003
- 3) Education Advisory Board
March 24, 2003
- 4) Environmental Advisory Board
February 27, 2003
March 20, 2003
April 24, 2003
- 5) Parks and Recreation
April 1, 2003

- 6) Physically and Mentally Challenged Board
April 3, 2003
- 7) Special Master
March 12, 2003
- 8) Telecommunications Advisory Board
March 3, 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:

4. Resolution No. 90-2003 *(Quasi-judicial)*

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 7601 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-05)

The public hearing on Ordinance Nos. 4706 and 4707 and Resolution No. 83-2003 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4707. A separate vote will be taken on each petition.

5. 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)

6. Ordinance No. 4707 *(Quasi-judicial)*

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)

7. Resolution No. 83-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Tropic Gardens Luxury Townhome Community Subdivision Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. 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.

a. Resolution No. 71-2003

A resolution relating to the issuance of General Obligation Bonds (Multiple Series) (Library Projects), of the City of Boca Raton, Florida in the aggregate principal amount of not exceeding \$19,800,000 authorized under Ordinance No. 4703 for the purposes of financing the costs of constructing, equipping and furnishing of a new Library in the western part of the City and a new Library in replacement of the City's existing downtown Library; providing for the terms and payment for said bonds; incorporating by reference the terms and provisions of Ordinance No. 4703; establishing the parameters by which to establish 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 with respect to each series of bonds 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 the then Bond Buyer Index – 20 bond go index plus 100 basis points; 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.

9. Ordinance No. 4708 *(As revised May 13, 2003)*

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

10. Ordinance No. 4709 *(First of two required public hearings. No vote will be taken.)*

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

11. Ordinance No. 4710 *(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 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 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.)

12. Ordinance No. 4711

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of platted right-of-way for Isabel Road Este, located at 1100 S.W. 21st Lane, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-03)

13. Ordinance No. 4712

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 201 N.W. Spanish River Boulevard; providing for severability; providing for repealer; providing an effective date (SC-01-12)

14. Ordinance No. 4713

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.275 acres, more or less, located at 2501 North Ocean Blvd., as described more particularly herein, from R3E Residential District to R5 Residential District; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-02-02/ZC/PUD/SPA)

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.)

15. Resolution No. 93-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-78(b), Code of Ordinances, to construct one (1) freestanding sign that exceeds 7 feet in height at 5099 NW 5th Avenue; providing for severability; providing for repealer; providing an effective date (SCV-03-02)

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.