

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON OCTOBER 15, 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:

## MINUTES:

Minutes of the Regular Workshop Meeting of September 22, 2003  
Minutes of the Regular Meeting of September 23, 2003  
Minutes of the Final Budget Meeting of September 24, 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 Bids

- |    |   |          |
|----|---|----------|
| 1) | Landscape Maintenance for Police and Fire Stations<br>Requested by Recreation Services<br>Lucky Lawns, Inc. | \$39,942 |
| 2) | South Beach Park Resurfacing<br>Requested by Municipal Services<br>Hardrives, Inc.                          | \$45,211 |

b. Competitive Sealed Proposal Renewals

- |    |   |           |
|----|---|-----------|
| 1) | Inland Marine Insurance - Renewal<br>Requested by Financial Services<br>The Beacon Group Inc.                               | \$69,845  |
| 2) | Excess Insurance - Renewal<br>Requested by Financial Services<br>Arthur J. Gallagher & Co./State National Insurance Company | \$163,000 |

c. Intergovernmental Agreements

- |    |  |           |
|----|--|-----------|
| 1) | Personal Computer and Printer Replacement Program<br>Requested by City Manager<br>IBM Direct, Hewlett-Packard Company, Pomeroy,<br>Insight Public Sector, GovStreet USA, CompUSA,<br>PC Universe, Champion Solutions Group | \$496,000 |
| 2) | Network Infrastructure Upgrades<br>Requested by City Manager<br>IBM Direct, Hewlett-Packard Company, Pomeroy,<br>Insight Public Sector, GovStreet USA, CompUSA,<br>PC Universe, Champion Solutions Group                   | \$119,000 |

3)	Video Cubes and Monitors for Advanced Traffic Management System Requested by Municipal Services Audio Visual Innovations	\$85,000
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d. Sole Source

1)	eLabor Software Maintenance Requested by City Manager ADP, Inc.	\$25,766
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2)	Sole Source HTE Software Maintenance Requested by City Manager HTE Inc.	\$93,252
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e. Resolution No. 178-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Funding Agreement with the Geological Survey, United States Department of Interior, for the purpose of conducting an investigation of water resources; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 179-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with LBFH, Inc., for the purpose of providing professional engineering services for sanitary and stormwater sewer designs for the Area II Capital Improvements Project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 180-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Parkside at Boca Trail Community Association, Inc. for the purpose of providing uniform traffic enforcement; providing for severability; providing for repealer; providing an effective date

h. Receive and File Board Orders

- 1) SM(G) Case No. 02-2666
- 2) SM(G) Case No. 02-3370
- 3) SM(G) Case No. 03-00001016
- 4) SM(G) Case No. 03-00001119
- 5) SM(G) Case No. 03-00001306
- 6) SM(G) Case No. 03-1309
- 7) SM(G) Case No. 03-00001559
- 8) SM(G) Case No. 03-1867
- 9) SM(G) Case No. 03-00001836
- 10) SM(G) Case No. 03-00001996

i. Receive and File Board Minutes – October 15, 2003

- 1) Community Appearance Board  
September 2, 2003  
September 9, 2003  
September 16, 2003
- 2) Education Advisory Board  
August 18, 2003  
September 8, 2003
- 3) Environmental Advisory Board  
June 19, 2003
- 4) Financial Advisory Board  
August 18, 2003
- 5) General Employees' Pension Board  
August 14, 2003
- 6) Historic Preservation Board  
August 19, 2003
- 7) Housing Authority  
August 27, 2003
- 8) Library Advisory Board  
August 27, 2003
- 9) Physically and Mentally Challenged Board  
September 4, 2003
- 10) Zoning Board of Adjustment  
June 12, 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 AND RELATED PUBLIC HEARINGS:**

4. Resolution No. 173-2003

A resolution of the City of Boca Raton granting conditional use approval for Boca Middle School 98-GG and an education training facility on a parcel of land located at 1798 Spanish River Boulevard, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-08)

5. Resolution No. 174-2003

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 7940 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-17)

6. Resolution No. 175-2003

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for the Bluewater Townhouses to construct a dune crosswalk at 2601 North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-07)

7. Resolution No. 176-2003

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for the Placide Condominium to construct a retention wall located at 1800 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-14)

8. Resolution No. 177-2003

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to Boca Technology Center, a Development of Regional Impact, and constituting this resolution as an amendment to the original Development Order by the City of Boca Raton in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date

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

9. Ordinance No. 4736

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of a non-access easement, being that area identified as the west 125.00 feet of the strip of land identified as the 5 foot non-access easement along Yamato Road as shown and described on the plat of Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-06)

10. Ordinance No. 4737

An ordinance of the City of Boca Raton providing for the vacation and abandonment of easements over areas identified as the Bicycle / Pedestrian Easement, Conservation Easement "B", and the Gopher Tortoise Easement, as shown and described on the plat of Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-07)

11. Ordinance No. 4739

An ordinance of the City of Boca Raton creating Section 28-62, Code of Ordinances, relating to variances; providing for variances for building heights of single-family residences not exceeding five (5) percent of the maximum building height; 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. 4746

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as more specifically described herein, from Residential Low (RL) to Commercial (C); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

13. Ordinance No. 4747

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as described more particularly herein, from R-1-D to B-1; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/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:**

**PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIENS:**

14. Request for Reduction in Code Enforcement Liens - *(Continued from the 9/23/03 meeting)*  
900 North Federal Highway – Highway Associates  
(Trammell Crow – Managing Agent)  
Special Master Case #01-5268

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

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

15. Resolution No. 181-2003

A resolution of the City Council of the City of Boca Raton denying the appeal of Crown Liquors of Broward County, Inc. from a decision of the Community Appearance Board; denying a permit for the installation of folding shutters at 3500 North Federal Highway pursuant to Permit No. 03-5147; providing for severability; providing for repealer; providing an effective date

**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.