

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON MAY 14, 2002 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:**

Emergency Medical Services Week – May 19 through 25, 2002  
National Safe Boating Week – May 18 through 24, 2002

## **AWARDS/RECOGNITIONS:**

## **MINUTES:**

Minutes of the Regular Workshop Meeting of April 22, 2002  
Minutes of the Regular Meeting of April 23, 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:

- a. Boca Raton Airport Authority – three (3) vacancies due to term expirations of Lawrence Rayman, George L. Lanham, and Philip Modder. Terms expire 06/01/02.
- b. Builders’ Board of Adjustment and Appeals – one (1) vacancy for a general contractor. Term expires 02/15/04.
- c. Environmental Advisory Board – one (1) vacancy due to term expiration of Gary E. Eichler. Term expires 04/30/02.

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) Fence Installation, Removal and Repairs  
Requested by Recreation Services, Municipal Services  
Anything In Fence \$59,400
- 2) Tree Relocation Services  
Requested by Recreation Services  
Tree Movers, Inc. \$53,544
- 3) Water Treatment Plant Color Reduction Polymer  
Requested by Utility Services  
Stockhausen, Inc. \$116,021

b. Competitive Sealed Proposal

- 1) In Car Video Camera System (New)  
Requested by Police Services  
Mobile Vision Inc. \$59,925

c. Intergovernmental Agreements

- 1) Fiber Optic Cable Installation  
Requested by City Manager  
Universal Cabling Systems, Inc. \$149,737

2) Tractor Loader (New)  
Requested by Recreation Services  
John Deere Company \$38,928

d. Sole Source

1) Security System and Energy Management  
Equipment Maintenance  
Requested by Municipal Services  
Johnson Controls, Inc. \$62,122

e. Resolution No. 79-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Palm Beach County for the purpose of development of the Dr. Martin Luther King, Jr. Memorial; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 80-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Land Stewardship Company for the purpose of providing professional landscape architecture services; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 81-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Hazen and Sawyer, P.C. for the purpose of providing consulting engineering services related to the evaluation of the existing Wastewater Treatment Plant activated sludge process aeration system; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 82-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Financial Assistance Agreement with Palm Beach County for the purpose of the beautification of Military Trail from the Hillsboro Canal to SW 18<sup>th</sup> Street; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 83-2002

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in August 2002; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 84-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a cooperative agreement with the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, for the purpose of supporting the G.R.E.A.T. (Gang Resistance Education And Training) Program to prevent gang participation; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 85-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Phoenix Consulting Group, Inc. for the purpose of providing security consulting services for the City; providing for severability; providing for repealer; providing an effective date

1) Resolution No. 86-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Phoenix Consulting Group, Inc. for the purpose of providing security consulting services for the City; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 88-2002

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 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

m. Resolution No. 89-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for, on behalf of the Boca Raton Historical Society, Inc., a grant from the Florida Department of Transportation for the Transportation Efficiency Act for the 21<sup>st</sup> Century (TEA-21); authorizing the acceptance of said grant on behalf of the Boca Raton Historical Society, Inc., if awarded; authorizing the execution of a subgrantee agreement with the Boca Raton Historical Society, Inc. for the purpose of insuring compliance by the Boca Raton Historical Society, Inc. with the terms and conditions of said grant, if awarded, including the provision of matching funds; authorizing and directing the City Manager to require the Boca Raton Historical Society, Inc. to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

- n. Board Resignation
  - 1) Resignation of Marian Pearlman Nease from the Pearl City Blue Ribbon Committee
  
- o. Receive and File Board Orders
  - 1) Special Master
    - a) SM(C) Case No. 01-2744
    - b) SM(C) Case No. 1-3169
    - c) SM(G) Case No. 01-4945
    - d) SM(G) Case No. 2-334
    - e) SM(G) Case No. 2-40
    - f) SM(G) Case No. 2-381
    - g) SM(G) Case No. 2-456
  
- p. Receive and File Board Minutes – May 14, 2002
  - 1) Citizens Pedestrian and Bikeway Advisory Board  
February 11, 2002  
March 11, 2002
  - 2) Civil Service Board Hearing  
November 29, 2001
  - 3) Community Appearance Board  
March 26, 2002  
April 2, 2002  
April 9, 2002
  - 4) Education Advisory Board  
March 25, 2002
  - 5) General Employees' Pension Board  
March 6, 2002
  - 6) Historic Preservation Board Meeting  
February 6, 2002  
March 12, 2002
  - 7) Library Advisory Board  
February 20, 2002
  - 8) Marine Advisory Board  
March 13, 2002
  - 9) Police and Firefighters' Pension Board  
March 20, 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 PUBLIC HEARINGS:**

4. Resolution No. 78-2002

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for South Beach Park located at 2 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-02-02)

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

5. Ordinance No. 4648

An ordinance of the City of Boca Raton amending the Fiscal Year 2001-2002 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

6. Ordinance No. 4649 *(First of two required public hearings. No vote will be taken.)*

An ordinance of the City of Boca Raton relating to Substance Abuse Treatment Facilities; amending Section 28-2, Code of Ordinances, to define Substance Abuse Treatment Facilities and Social Service Activities; creating Section 28-197, Code of Ordinances, Status of Substance Abuse Treatment Facilities; amending Section 28-743, Code of Ordinances, conditional uses in the R-B-1 Motel-Business District; amending Section 28-922, Code of Ordinances, permitted uses in the MC Medical Center District; providing for severability; providing for repealer; providing for codification; providing an effective date

**REGULAR BUSINESS – PART IV – SETTLEMENTS**

7. a) Settlement of Liability Claims  
Claim Nos. GL00-0055-MS and GL00-0056-MS

**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.)*

8. Ordinance No. 4650

An ordinance of the City of Boca Raton authorizing, pursuant to the terms and provisions of Ordinance No. 4418 (the “Original Ordinance”), the issuance of not exceeding \$20,000,000 in Water and Sewer Revenue Refunding Bonds, Series 2002 (the “Series 2002 Bonds”) to currently refund certain outstanding Water and Sewer Revenue Bonds of the City, making such Series 2002 Bonds subject to the terms and provisions of the Original Ordinance; providing for severability; providing for repealer; providing an effective date

9. Ordinance No. 4651

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of special purpose utility easements, located at 261 N.W. 13<sup>th</sup> Street, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (E-01-EA-06)

10. Ordinance No. 4652

An ordinance of the City of Boca Raton amending Section 10-64, Code of Ordinances, to prohibit construction activity, including alterations, repairs or demolition, between the hours of 7:00 A.M. and 8:00 A.M. on Saturday (in addition to all other times where such activity is currently prohibited), where such activity causes noises whose levels exceed the noise limits in the City Code; providing for severability; providing for repealer; 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:**

**APPEAL OF BOARD DECISIONS:**

11. City of Boca Raton  
3700 Block of NW 4<sup>th</sup> Avenue  
Zoning Board of Adjustment / Case No. BA-01-26

**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.