

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 28, 2003 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/PRESENTATIONS:**

Soccer Association of Boca Raton (SABR) – 25<sup>th</sup> Anniversary

## **MINUTES:**

Minutes of the Regular Workshop Meeting of January 13, 2003  
Minutes of the Regular Meeting of January 14, 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. Boca Raton Advisory Board for the Physically and Mentally Challenged – (2) vacancies due to resignations of Judith Wong, whose term expires 4/23/04, and Grace Pertile, whose term expires 4/23/03.
- b. Citizens’ Pedestrian and Bikeway Advisory Board – (1) vacancy due to resignation of Mark Traveis, whose term expires 1/12/04.
- c. Education Advisory Board – (1) vacancy due to resignation of Matthew S. Nelles, whose term expires 7/28/05.

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 Bid Renewals

- 1) Landscape Maintenance Services for Cemetery and Mausoleum (Renewal)  
Requested by Recreation Services  
Edge & Cut Landscaping \$42,570
- 2) Landscape Maintenance Services for Downtown Section (Renewal)  
Requested by Recreation Services  
Custom Care, Inc. \$176,773
- 3) Landscape Maintenance Services for El Rio Bicycle/Pedestrian Corridor (Renewal)  
Requested by Recreation Services  
Lucky Lawns, Inc. \$42,456
- 4) Landscape Maintenance Services for East Section (Renewal)  
Requested by Recreation Services  
Lucky Lawns, Inc. \$105,134
- 5) Landscape Maintenance Services for North Section (Renewal)  
Requested by Recreation Services  
Lucky Lawns, Inc. \$134,074

6) Landscape Maintenance Services  
for Central Section (Renewal)  
Requested by Recreation Services  
Complete Property Services \$200,200

b. Intergovernmental Agreement

1) Chemicals and Fertilizers  
Requested by Recreation Services & Utility Services  
Agro Distribution d/b/a Pro Source One;  
Atlantic Florida East Coast Fertilizer & Chemical Co.;  
Carso, Inc.; Diamond R. Fertilizer;  
Du Cor International Corp.; Golf Ventures;  
Helena Chemical; Howard Fertilizer & Chemical, Co., Inc.;  
Lesco, Inc.; Liquid Ag Systems; Lykes Agri Sales, Inc.;  
Parkway Research/division of Brandt;  
Southeastern Turf and Grass Supply, Inc.;  
United Horticultural Supply; and Univar USA \$326,828

2) Laptop Computers  
Requested by City Manager  
Police Services  
Insight Public Sector \$348,950

c. Resolution No. 26-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Transportation Bureau of Transportation Statistic for Transportation Demand Management (TDM) Data Collection and Analysis; 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

d. Resolution No. 27-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amended and restated Agreement with Boca Raton Educational Television, Inc., for the purpose of providing programming and management services for the City's educational access channels; providing for severability; providing for repealer; providing an effective date

e. Resignations

1) Resignation of Anthony Dutton from the Library Advisory Board  
2) Resignation of Jacqueline Waldeck from the Historic Preservation Board

f. Receive and File Board Minutes – January 28, 2003

- 1) Builders' Board of Adjustment and Appeals  
August 5, 2002
- 2) Downtown Visions Committee  
October 10, 2002
- 3) General Employees' Pension Board  
December 11, 2002  
December 19, 2002
- 4) Marine Advisory Board  
November 13, 2002
- 5) Parks and Recreation  
December 3, 2002  
December 12, 2002
- 6) Physically and Mentally Challenged Board  
December 5, 2002
- 7) Planning and Zoning Board  
November 6, 2002  
November 7, 2002
- 8) Special Master  
September 25, 2002  
December 11, 2002
- 9) Telecommunications Advisory Board  
December 2, 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:**

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

4. Ordinance No. 4685 *(Revised)*

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with Boca Technology Center, LLC; approving and accepting certain deeds and easements from Boca Technology Center, LLC, granting certain easements and modifying the existing Parking Lot Lease establishing certain permanent parking rights, all over certain lands more particularly described herein; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 4686 *(First of two required public hearings.)*

An ordinance of the City of Boca Raton creating Section 28-1305, Code of Ordinances, to provide that in all zoning districts certain parks and park facilities and City water, sewer, reclaimed water, and stormwater facilities and appurtenances shall be permitted uses, to provide that in all nonresidential zoning districts any buildings, facilities and uses owned, operated, utilized or conducted by the City (inclusive of police and fire stations) shall be a permitted use, and to provide that in all residential zoning districts City police and fire stations (and related facilities) shall be a conditional use; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-02-12/02-92500013)

6. Ordinance No. 4687

An ordinance of the City of Boca Raton relating to the General Employees' Pension Board; amending Subsection 12-87(13), Code of Ordinances, to create an exemption to the review and reconsideration procedure for one-time only purchases and distributions not exceeding five hundred (\$500) dollars; providing for severability; providing for repealer; providing for codification; providing an effective date

**REGULAR BUSINESS – PART IV – 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. 4688

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

8. Ordinance No. 4689

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 300 West Palmetto Park Road, as more specifically described herein; providing for conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-03)

**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:**

**REGULAR BUSINESS - PART VIII - PUBLIC HEARINGS/APPEAL OF BOARD DECISIONS:**

*(If you are planning to speak during 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 these hearings 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.