

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 10, 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:

Recognition - Utility Services Contest Winners
Proclamation - Boca Raton Ocean Rescue Day – September 10, 2003
Proclamation - Ryan White Day – September 10, 2003

MINUTES:

Minutes of the Regular Workshop Meeting of August 25, 2003
Minutes of the Regular Meeting of August 26, 2003
Minutes of the Town Hall Meeting of September 3, 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. Community Appearance Board – three (3) vacancies, due to term expirations of Everett H. Jenner (architect), Gregory C. Miklos (architect), and James H. Matthews (realtor), whose terms expire 09/20/03.

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) | Generator for Police Services - Replacement
Requested by Police Services
MGI - Morgan General Mechanical Group, Inc. | \$111,111 |
| 2) | Annual Traffic Calming, Sidewalk,
Drainage Improvements and Road Construction
Requested by Municipal Services
Weekley Asphalt Paving, Inc. &
Florida Blacktop, Inc. | \$2,310,000 |
| 3) | Wastewater Treatment Plant Solids Processing Facility
Requested by Utility Services
The Poole and Kent Company | \$3,920,400 |
| 4) | Royal Palm Water & Sewer Aerial Crossing Modification
Requested by Utility Services
Intrastate Construction, Corp. | \$400,000 |

b. Competitive Sealed Proposal

- | | | |
|----|--|-------------|
| 1) | Fire Rescue Station #2
Requested by Fire Rescue Services
O'Connor & Taylor, Inc. | \$1,582,000 |
|----|--|-------------|

c. Intergovernmental Agreement

- | | | |
|----|---|-----------|
| 1) | Communication Equipment
Requested by Municipal Services
Traffic Control Devices, Inc. | \$132,701 |
|----|---|-----------|

d. Sole Source

- | | | |
|----|---|----------|
| 1) | Upgrade to HTE Software
Requested by City Manager
HTE Inc. | \$67,786 |
| 2) | Geographic Information System Software Applications
Requested by City Manager
The Omega Group | \$75,391 |

e. Emergency

- | | | |
|----|---|----------|
| 1) | Emergency Gravity Sewer Relocation
Requested by Utility Services
Coastal Pipeline, inc. | \$31,500 |
|----|---|----------|

f. Resolution No. 152-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Flynn Engineering Services, P.A. for the purpose of providing traffic engineering services to prepare design plans for the turn lane improvements at the intersection of St. Andrews Boulevard and Potomac Road; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 154-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Participation Agreement with the State of Florida Department of Transportation; providing for severability; providing for repealer; providing an effective date

h. Receive and File Board Minutes – September 10, 2003

- 1) Civil Service Board
June 26, 2003 – Business Mtg.
June 26, 2003 - Hearing
- 2) Community Appearance Board
July 29, 2003
August 5, 2003
- 3) Education Advisory Board
June 23, 2003
- 4) Financial Advisory Board
July 28, 2003
- 5) General Employees' Pension Board
June 24, 2003
July 10, 2003

- 6) Historic Preservation Board
July 22, 2003
- 7) Library Advisory Board
June 11, 2003
- 8) Marine Advisory Board
July 9, 2003
- 9) Physically and Mentally Challenged
June 5, 2003
- 10) Special Master
July 9, 2003
July 23, 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. 149-2003

A resolution of the City of Boca Raton granting conditional use approval and conditional commercial node master plan approval for a 50,000 square foot commercial project on a parcel of land located at 1200 Yamato Road, Boca Technology Center, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-06)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4728

An ordinance of the City of Boca Raton amending Section 8-27, Code of Ordinances, to revise the definition of "Professional"; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4729

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing and 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. 4730

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a utility easement, located at 3998 N.W. 5th Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-01)

8. Ordinance No. 4731

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portions of water easements, located on the campus of Pine Crest School at 2700 Saint Andrews Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-04)

9. Ordinance No. 4734

An ordinance of the City of Boca Raton providing for the voluntary annexation of property generally located south of and including Yamato Road, north of Peppertree of Boca West, west of Woodfield Hunt Club II and east of Boca West and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by all owners of the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; 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:

10. Resolution No. 155-2003

A resolution of the City of Boca Raton affirming the decision of the City Manager regarding Bid No. 2003-043, Royal Palm Water and Sewer Aerial Crossing Modification, and denying the appeal of Akerblom Contracting Inc.; providing for severability; providing for repealer; providing an effective date

PUBLIC HEARING – APPEAL OF CITY MANAGER DECISION:

11. Resolution No. 153-2003

A resolution of the City of Boca Raton affirming the decision of the City Manager to deny the application of Martin Vincent Cusack for a city driver's permit and denying Martin Vincent Cusack's appeal of the City Manager's decision; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

12. Royal Oak Hills Homeowners' Association – Ficus Trees Issue Update

13. Tri-County Humane Society - Request for Release of Funds

14. Municipal Public Safety Communications Consortium (MPSCC) – Withdrawal Request

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.