

# AGENDA

**REGULAR MEETING    CITY COUNCIL    BOCA RATON    APRIL 26, 2005    6:00 PM**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Peter Baronoff  
Council Member Bill Hager  
Council Member Susan Haynie

**AMENDMENTS TO THE AGENDA:**

**MINUTES:**

Minutes of the Organizational Meeting of March 31, 2005  
Minutes of the Regular Workshop Meeting of April 11, 2005  
Minutes of the Regular Meeting of April 12, 2005

**PROCLAMATIONS / AWARDS / PRESENTATIONS:**

The Boys & Girls Club of Boca Raton Golf Classic Day – May 20, 2005

***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. Builders' Board of Adjustment and Appeals – (1) vacancy (electrical contractor), due to resignation for a term that expired on 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) vacancy, due to a resignation, for a term that will expire on 1/12/07.

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) Trees & Shrubs (Deliver Remove and/or Install)  
Requested by Recreation Services  
Conco Horticultural, Inc. \$40,000
- 2) Fence Repairs at University Woodlands Park and  
Patch Reef Park  
Requested by Recreation Services  
Anything in Fence \$36,319
- 3) Exotic Tree Removal Services  
Requested by Recreation Services  
Arbor Tree & Land, Inc. \$77,644

b. Sealed Bid - Renewal

- 1) Generator Repair and Maintenance Services - Renewal  
Requested by Municipal Services  
All Power Generators, Corp. \$27,395

c. Intergovernmental Agreement

- 1) Pipes, Valves & Fittings  
Requested by Utility Services  
Ferguson Underground Inc. \$30,000
- 2) Caterpillar Tractor (Replacement)  
Requested by Municipal Services  
Kelly Tractor Company \$107,873
- 3) Shade Pavilions at Dog Park  
Requested by Recreation Services  
Hunter-Knepshield Company Inc. \$40,898

d. Sole Source

- 1) Original Equipment Manufacturer (OEM) Parts and Service for Freightliner Trucks  
Requested by Fire Rescue Services  
Freightliner Trucks of South Florida \$25,000

e. Resolution No. 71-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with CH2M Hill, Inc. for the purpose of a feasibility study evaluating the beneficial reuse of membrane concentrate generated by the Water Treatment Plant; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 72-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Public Safety, Division of Emergency Management, Office of Emergency Medical Services, pursuant to the purchase of training equipment and supplies for the Fire Rescue Services Department; authorizing the acceptance of 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

g. Resolution No. 73-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Terry Cohen, M.D., for the purpose of providing professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department and the City; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 74-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for 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, 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

i. Resolution No. 75-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with ICMA Retirement Corporation for the purpose of providing an employee retiree health savings plan; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 76-2005

A resolution of the City of Boca Raton urging the 2005 Florida Legislature to vote against House Bill 1521 and Senate Bill 2060, which would severely reduce the ability of community redevelopment agencies to accomplish their statutory redevelopment tasks; providing for severability; providing for repealer; providing an effective date

- k. Receive and File Board Minutes – April 26, 2005
- 1) Citizen's Pedestrian and Bikeway Advisory Board  
March 14, 2005
  - 2) Community Appearance Board  
March 22 2005  
March 29, 2005  
April 5, 2005
  - 3) Education Advisory Board  
February 28, 2005
  - 4) Financial Advisory Board  
February 22, 2005
  - 5) General Employees' Pension Board  
January 13, 2005 (Investment Committee Meeting)  
January 13, 2005 (Regular Meeting)  
February 10, 2005 (Joint Administrative Meeting)  
February 10, 2005 (Regular Meeting)
  - 6) Marine Advisory Board  
March 2, 2005
  - 7) North Federal Highway Steering Committee  
March 1, 2005
  - 8) Parks and Recreation  
March 1, 2005
  - 9) Physically and Mentally Challenged Advisory Board  
March 3, 2005

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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:**

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

**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.)*

4. Ordinance No. 4871

An ordinance of the City of Boca Raton amending Sections 28-977 and 978, Code of Ordinances, pertaining to permitted and conditional uses in the Light Industrial Research Park zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-05-01)

5. Ordinance No. 4872

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

6. Ordinance No. 4873

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of an unimproved alley right-of-way, located between S.E. 14th and S.E. 15th Streets, East of Dixie Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-04)

**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:**

**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.