

## AGENDA

REGULAR MEETING   CITY COUNCIL   BOCA RATON   MAY 24, 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 Regular Workshop Meeting of May 9, 2005  
Minutes of the Regular Meeting of May 10, 2005

**PROCLAMATIONS:**

Boca Raton Elder Law Month – May 2005

**AWARDS / PRESENTATIONS:**

Education Advisory Board – Recognition of Teachers of the Year for 2005  
Advisory Board for the Physically and Mentally Challenged – Scholarship Check Presentations

### ***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 & Appeals – (1) one vacancy to replace Robert L. Welch (Electrical Contractor), whose term expired 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy due to the resignation of Barbara Safranek, whose term expires 01/02/07.
- c. Community Relations Board – (2) vacancies; (1) vacancy due to the resignation of Lynda S. Leixner, whose term expires 07/25/05, and (1) student vacancy.

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

- 1) Gateway Signs  
Requested by Municipal Services  
Communication Industries LLC. \$85,350
- 2) Fire Rescue Station #1  
Requested by Fire-Rescue Services  
Weiss & Woolrich Contracting Company, Inc. \$2,821,000
- 3) Portable Generators, Trailer Mounted  
Requested by Municipal Services &  
Utility Services  
All Power Generators, Corp., MGI-Morgan  
General Mechanical Group, Inc., Scan Am  
Marine Services Inc. d/b/a OK Generators \$428,937
- 4) Wastewater Sludge Polymer  
Requested by Utility Services  
Stockhausen, Inc. \$235,500

b. Competitive Sealed Proposal

- 1) Vehicle Leasing Services-Renewal  
Requested by Police Services  
Enterprise Leasing Company \$92,400

c. Sealed Bid - Renewal

- 1) Landscape Maintenance Services for  
Red Reef Park-Renewal  
Requested by Recreation Services  
Custom Care, Inc. \$39,834

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2)   | Grit Removal Services-Renewal<br>Requested by Utility Services<br>Waste Management of Palm Beach                                                                                                                                                                                                                                                                                                                                                                                                         | \$66,000  |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| d.   | <u>Intergovernmental Agreement</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |
| 1)   | Sodium Hypochlorite<br>Requested by Utility Services<br>Allied Universal Corporation                                                                                                                                                                                                                                                                                                                                                                                                                     | \$248,200 |
| 2)   | Vehicles (New)<br>Requested by Municipal Services<br>Duval Ford and Garber Chevrolet                                                                                                                                                                                                                                                                                                                                                                                                                     | \$281,800 |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| e.   | <u>Sole Source</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |
| 1)   | Software Licenses<br>Requested by Police Services<br>Open Software Solution, Inc. (OSS)                                                                                                                                                                                                                                                                                                                                                                                                                  | \$60,000  |
| 2)   | Radio Controlled Irrigation Equipment<br>Requested by Recreation Services<br>Contemporary Controls & Communication, Inc.                                                                                                                                                                                                                                                                                                                                                                                 | \$88,743  |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| f.   | <u>Resolution No. 95-2005</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
|      | A resolution of the City of Boca Raton canceling the first workshop and regular meetings in July 2005; providing for severability; providing for repealer; providing an effective date                                                                                                                                                                                                                                                                                                                   |           |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| g.   | <u>Resolution No. 96-2005</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
|      | A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Florida Department of Transportation for the County Incentive Grant Program; 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 |           |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| h.   | <u>Resolution No. 97-2005</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
|      | A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 24 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue Facilities; providing for severability; providing for repealer; providing an effective date                                                                                                                                                     |           |
| <br> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
| i.   | <u>Receive and File Board Minutes – May 24, 2005</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |
| 1)   | Community Appearance Board<br>April 19, 2005<br>April 26, 2005                                                                                                                                                                                                                                                                                                                                                                                                                                           |           |
| 2)   | Marine Advisory Board<br>April 6, 2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
| 3)   | North Federal Highway Steering Committee<br>April 5, 2005                                                                                                                                                                                                                                                                                                                                                                                                                                                |           |

- 4) Parks and Recreation Board  
April 5, 2005
- 5) Pearl City Blue Ribbon Committee  
February 24, 2005
- 6) Physically and Mentally Challenged Advisory Board  
April 7, 2004

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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-A – QUASI-JUDICIAL CONSENT AGENDA:**

**REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:**

4. Resolution No. 77-2005 *(Continued from the 5/10/05 meeting)*

A resolution of the City of Boca Raton granting conditional use approval for Boca Raton Middle School, an I.T.V. Tower, and technical deviations regarding driveway design and parking stall size, on a parcel of land located at 1251 Northwest Eighth Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-09)

5. Resolution No. 93-2005

A resolution of the City of Boca Raton granting conditional use approval for a 2,708 square foot Chipotle Mexican Grill restaurant on a parcel of land located at 2301 Glades Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-05-01)

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

6. Ordinance No. 4871 *(Second of two required public hearings.)*

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 for an effective date (AM-05-01)

7. Ordinance No. 4874

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Non-Access Easement, located at 1200 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-07)

**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.)*

8. Ordinance No. 4875

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 6751 North Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-01)

9. Ordinance No. 4876

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 2.895 acres, more or less, located at 2100 NW 5<sup>th</sup> Avenue, as described more particularly herein, from R-3-C (Multifamily Residential) to PUD/R-5 (Planned Unit Development/ Multi-Family Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-12/ZC)

10. Ordinance No. 4877

An ordinance of the City of Boca Raton relating to the Construction and Demolition Debris Roll Off Container Services Franchise Agreements; amending Section 14-17, Code of Ordinances, to extend the term of the Franchise Agreement from one year to five years and include a provision for a performance bond; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 4878

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute Construction and Demolition Debris Roll-off Container Service Franchise Agreements with the vendors identified in Exhibit 'A', pursuant to Chapter 14, Code of Ordinances; 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:**

**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.