

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 8, 2005 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of January 24, 2005
Minutes of the Regular Meeting of January 25, 2005

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Proclamation – Recognition of Contributions of Richard Gescheidt

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 – (4) four vacancies, due to term expirations of Robert L. Welch (Electrical Contractor), Pedro S. Riera (Mechanical A/C), Albert H. Hyman (at large), and Roy Christie (at large), whose terms expire 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy, due to the resignation of Barbara Safranek, whose term expires 01/12/07.
- c. Community Relations Board – (2) two student vacancies, due to the graduations of Danielle Landeck and Elizabeth Barron.
- d. Parks and Recreation Board – (1) one vacancy, due to the resignation of Earl Starkoff, whose term expires 07/31/05.

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

- 1) Utility & Drainage Improvements Area II
Requested by Utility Services
Ric-Man International, Inc. \$2,559,571

b. Competitive Sealed Proposal Renewal

- 1) Independence Day Fireworks - Renewal
Requested by Recreation Services
Zambelli Fireworks Internationale \$27,000

c. Sealed Bid Renewal

- 1) Reclaimed Water Polymer - Renewal
Requested by Utility Services
KED Group, Inc. \$32,250
- 2) Corrosion Control Chemical - Renewal
Requested by Utility Services
Calciquest, Inc. \$115,000

d. Intergovernmental Agreement

- 1) Automobiles and Light Trucks
Requested by Municipal Services
Caruso Chrysler, Duval Ford, Garber Chevrolet,
Garber Ford Mercury, and Proctor & Proctor, Inc. \$885,343

- 2) Road Construction Materials
Requested by Municipal Services
Recreation Services
Utility Services
Austin Tupler Trucking, Community Asphalt,
Conrad Yelvington Distributor, Inc.,
and Hardrives of Delray \$50,000
- e. Sole Source
 - 1) Access Control and Security System
Requested by Utility Services
Cyber Access Control LLC \$80,000
 - 2) Variable Frequency Drive Pumping Station - Replacement
Requested by Recreation Services
Flowtronic PSI Inc. \$67,009
 - 3) Upgrade to Sodium Hypochlorite Generators
Requested by Utility Services
Carter and VerPlanck, Inc. \$145,000
- f. Emergency
 - 1) Engine Replacement for Fire Rescue Pumper
Requested by Fire Rescue Services
Freightliner Trucks of South Florida \$29,145
- g. Resolution No. 20-2005
A resolution of the City of Boca Raton authorizing the Mayor, the City Manager and the Chief of Police to execute a Mutual Aid Agreement with Palm Beach County local governments and law enforcement agencies for the purpose of combined operational assistance and voluntary cooperation; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 25-2005
A resolution of the City of Boca Raton authorizing the Mayor and Chief of Police to execute a Memorandum of Understanding with Palm Beach County law enforcement agencies for the purpose of addressing violent crimes utilizing a team problem-solving approach; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 26-2005
A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for continuing the coordination and development of the City of Boca Raton Citizen Corps program; 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

j. Resolution No. 27-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for equipment, supplies, and printing of materials for the City of Boca Raton Emergency Response Team (CERT); 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

k. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 04-2421
 - b) SM(G) Case No. 04-00003362
- 2) Builders' Board of Adjustment & Appeals
 - a) Order of Decision
Case No. BBAA-04-6741

l. Resignation

- 1) Resignation of Special Master Richard Gescheidt

m. Receive and File Board Minutes – February 8, 2005

- 1) Builders' Board of Adjustment and Appeals
July 28, 2004
- 2) Community Appearance Board
January 11, 2005
- 3) Financial Advisory Board
November 15, 2004
- 4) Library Advisory Board
December 15, 2004
- 5) Telecommunications Advisory Board
October 4, 2004

(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:

4. Ordinance No. 4841 (Continued from the January 25, 2005 meeting.)

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency (“CRA”) pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. (“Tenant”); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant (“Amended and Restated Lease Agreement”); providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 4844

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 8, 2005 election; providing for severability; providing for repealer; providing an 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.)

6. Ordinance No. 4845

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.61 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from Residential Medium (RM) to Conservation (N); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-13)

7. Ordinance No. 4846

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

8. Ordinance No. 4847

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through a budget amendment, relating to annexation; providing for severability; providing for repealer; providing an effective date

9. Ordinance No. 4849

An ordinance of the City of Boca Raton amending the City’s Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: The School District of Palm Beach County Six Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

10. Ordinance No. 4850

An ordinance of the City of Boca Raton relating to the review of development plans; revising various sections of the Code of Ordinances to provide for the review of development plans by the City staff and to provide for the inclusion of a fee for such services in the Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-02)

11. Ordinance No. 4851

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Lease Agreement with Tri-County Humane Society, Inc., for the City-owned property at 21287 Boca Rio Road and adjacent property; requiring as a condition of such Lease Agreement the assignment to Tri-County Humane Society, Inc. of a lease from Palm Beach County, Florida for such adjacent property; providing for the termination of the Turnkey Operations and Maintenance Agreement between the City and Tri-County Humane Society; providing for severability; providing for repealer; providing for codification; 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.