

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 22, 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 February 22, 2005
Minutes of the Regular Meeting of February 23, 2005

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Gold Coast Quilter's Month Proclamation – April 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) one vacancy, due to term expiration of Robert L. Welch (Electrical Contractor), whose term expired 02/15/05.
 - b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy, due to resignation of Barbara Safranek, whose term expires 01/12/07.
 - c. Community Relations Board – (1) one student vacancy, due to graduation of Elizabeth Barron.
 - d. Education Advisory Board – (1) one vacancy, due to resignation of Cleveland Peoples, whose term expires 07/28/06.
 - e. General Employees' Pension Board – (1) one vacancy, due to term expiration of Robert J. Daniels, whose term expires 03/29/05.
 - f. Planning and Zoning Board – (2) two vacancies, due to term expirations of Jorge H. Garcia and William E. Fairman, whose terms expire 03/31/05.
 - g. Board of Trustees for Police & Firefighters' Retirement System – (2) two vacancies, due to term expirations of Peter B. McAllister and Mervyn C. Timberlake, whose terms expire 03/29/05.
 - h. Zoning Board of Adjustment – (2) two vacancies, due to term expirations of John P. von Stetten and Jason S. Mankoff, whose terms expire 04/10/05.

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.	<u>Sealed Bids</u>	
1)	Solar Salt Requested by Utility Services Morton Salt	\$136,298
2)	Airport Rd. 16" Water Main & 16" Reclaimed Water Main Requested by Utility Services B & B Underground Contractors, Inc.	\$1,479,503
3)	Janitorial Supplies Requested by City Wide Crown Sanitary Supply	\$78,000

b.	<u>Competitive Sealed Proposal</u>	
	1) Coach Bus Transportation Service for Summer Camp & GAP Programs Requested by Recreation Services American Coach Lines of Miami, Inc.	\$116,935
c.	<u>Competitive Sealed Proposal - Renewal</u>	
	1) Property Insurance-Renewal Requested by Financial Services Beacon Group, Inc.	\$913,531
d.	<u>Sealed Bid-Renewals</u>	
	1) Landscape Maintenance Services for the Cemetery & Mausoleums-Renewal Requested by Recreation Services Vila & Son Landscaping	\$32,820
	2) Landscape Maintenance Services for El Rio Bicycle/Pedestrian Corridor-Renewal Requested by Recreation Services Complete Property Services	\$29,886
	3) Landscape Maintenance Services for the Complex-Renewal Requested by Recreation Services Custom Care, Inc.	\$32,000
e.	<u>Intergovernmental Agreements</u>	
	1) Vehicles (New) Requested by Municipal Services Maroone Chrysler Jeep	\$58,088
	2) Vehicle (Replacement) Requested by Municipal Services Mauldin International Trucks	\$82,750
	3) Toro Groundsmaster 3500 -D Turf Mower (Replacement) Requested by Recreation Services Wesco Turf Supply, Inc.	\$25,648
	4) Fire Hoses (Replacement) Requested by Fire Rescue Services Ten-8 Fire Equipment Inc.	\$26,050
f.	<u>Sole Source</u>	
	1) Access Control System for Fire Rescue Station #3 & #4 Requested by Fire Rescue Services Johnson Controls, Inc.	\$101,662

g. Resolution No. 48-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with the Palm Beach County School Board for the purpose of placing drainage infrastructure in City right-of-way of N.W. 5th Avenue and the El Rio Canal at the entrance to J.C. Mitchell Community School; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 49-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Master Agreement with the State of Florida State Technology Office for the purpose of providing support and backup services in the event of a disaster; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 50-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Service Level Agreement with the State of Florida State Technology Office and the service provider, Sungard Recovery Services LP, for the purpose of disaster recovery services; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 51-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance, pursuant to the Local Law Enforcement Block Grant 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

k. Resolution No. 56-2005

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, Office of Domestic Preparedness Assistance to Firefighters Grant Program, for the purchase of a mobile incident management training laboratory; 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

l. Resolution No. 57-2005

A resolution of the City of Boca Raton establishing the Beach Advisory Committee; providing membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

m. Receive and File Election Certifications

1) March 8, 2005 Regular Election

a) Certification of the election of Steven Abrams (Mayor), Susan Whelchel (Council Seat A) and Peter Baronoff (Council Seat B)

- 2) Employee Election Certifications
 - a) Certification of the election of John Merrell and John Reilly as trustees on the Board of Trustees of the General Employees' Pension Plan for the terms to expire on March 29, 2007 and March 29, 2008, respectively
 - b) Certification of the election of Lee Sommer (police officer) and James Muro (firefighter) as trustees on the Board of Trustees of the Police and Firefighters' Retirement System for the terms to expire on March 29, 2007

n. Receive and File Board Orders

Special Master and Code Enforcement

- 1) CEB Case No. SM(G) 96-461
- 2) SM (G) Case No. 96-461
- 3) SM (G) Case No. 04-2421
- 2) SM (C) Case No. 04-00002563
- 5) SM (G) Case No. 94-00003173
- 6) SM (G) Case No. 04-00003751
- 7) SM (C) Case No. 04-00003752
- 8) CEB Case No. 04-00002586

o. Board Resignations

- 1) Resignation of Michael C. Cawley from the Financial Advisory Board

p. Receive and File Board Minutes – March 22, 2005

- 1) Community Appearance Board
January 25, 2005
February 1, 2005
February 8, 2004
February 15, 2005
- 2) Code Enforcement Board
February 17, 2004
- 3) Education Advisory Board
January 24, 2005
- 4) Financial Advisory Board
January 18, 2005
- 5) Historic Preservation Board
January 18, 2005
- 6) Library Advisory Board
January 19, 2005
- 7) Marine Advisory Board
January 5, 2005
February 2, 2005

- 8) North Federal Highway Steering Committee
November 16, 2004
January 14, 2005
February 1, 2005
- 9) Parks and Recreation
February 1, 2005
- 10) Pearl City Blue Ribbon Committee
January 27, 2005
- 11) Physically and Mentally Challenged Advisory Board
February 3, 2005
- 12) Planning and Zoning Board
January 20, 2005
February 3, 2005
- 13) Special Master
July 28, 2004
- 14) Telecommunications Advisory Board
January 3, 2005

(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. 23-2005

A resolution of the City of Boca Raton granting conditional use approval for a church on a parcel of land located at 1491 Northwest Fourth Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-04)

5. Resolution No. 40-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Royal Poinciana subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-03-08)

a. Resolution No. 41-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for construction of required improvements with New Century Hidden Valley, LLC, for the purpose of ensuring timely and complete construction of subdivision improvements to Royal Poinciana; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4848

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

a. Resolution No. 13-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with M.T. Causley, Inc. for the purpose of procuring independent inspector/contractor services for building inspection and plan review services; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4852

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a water and sewer easement, located at 900 South Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-09)

8. Ordinance No. 4857

An ordinance of the City of Boca Raton amending Section 28-1295, Code of Ordinances, pertaining to accessory buildings; and, amending Section 28-1357 pertaining to movable awnings; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-03)

9. Ordinance No. 4858

An ordinance of the City of Boca Raton amending Article V, Chapter 7, Code of Ordinances, relating to the Community Automatic External Defibrillator Program; providing for severability; providing for repealer; providing for codification; 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.)

10. Ordinance No. 4859

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 9.398 acres, more or less, located at 1601 Clint Moore Road as more specifically described herein, from Light Industrial to Commercial; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-04-10/SC)

11. Ordinance No. 4860

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 9.398 acres, more or less, located at 1601 Clint Moore Road, as described more particularly herein, from Light Industrial Research Park to Professional Office and Institutional; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-10/ZC)

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:

12. Resolution No. 24-2005

A resolution of the City of Boca Raton amending rates of fare for taxicabs; adopting a maximum fee schedule; providing for severability; providing for repealer; providing an effective date

13. Resolution No. 53-2005

A resolution of the City of Boca Raton authorizing and directing the City Attorney, on behalf of the City of Boca Raton, to initiate judicial proceedings to abate code violations and a public nuisance at 600 West Palmetto Park Road; providing for severability; providing for repealer; providing an effective date

14. Resolution No. 54-2005

A resolution of the City of Boca Raton authorizing, pursuant to Section 125.01(6)(a), Florida Statutes, a petition to the Board of County Commissioners of Palm Beach County pertaining to the funding of its Countywide dispatch services; providing for severability; providing for repealer; providing an effective date

15. Resolution No. 55-2005

A resolution of the City of Boca Raton stating the City's intent to initiate the conflict resolution procedures of Chapter 164, Florida Statutes, regarding a conflict with Palm Beach County; providing for severability; providing for repealer; providing an effective date

**QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE
FROM CHAPTER 24 - SIGN CODE:**

16. Resolution No. 52-2005

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to construct one (1) additional freestanding sign identifying the occupancy where an approved freestanding sign exists along the same frontage located at 4800 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-05-01)

CITY MANAGER RECOMMENDATIONS AND REPORTS:

17. Naming of the Dog Park
18. Emergency Purchases Related to Hurricanes Frances and Jeanne

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.