

## AGENDA

REGULAR MEETING   CITY COUNCIL   BOCA RATON   AUGUST 23, 2005   6:00 PM

**INVOCATION:**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

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

**AMENDMENTS TO THE AGENDA:**

**MINUTES:**

Minutes of the Budget Workshop Meeting of July 25, 2005  
Minutes of the Regular Workshop Meeting of August 8, 2005  
Minutes of the Regular Meeting of August 9, 2005  
Minutes of the Joint Meeting of City Council and  
The Greater Boca Raton Beach & Park District – August 9, 2005

**PROCLAMATIONS/RECOGNITIONS:**

### ***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 – one (1) vacancy (Electrical Contractor), due to resignation of Robert L. Welch, whose term expired 02/15/05.
- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Scott G. Borchers, whose term expires 01/12/08.
- c. Education Advisory Board – two (2) student vacancies.
- d. Financial Advisory Board – three (3) vacancies, due to term expirations of Arnold M. Straus, Charles F. Edris, and Andrew John Vissicchio, Jr., whose terms expire 08/26/05.
- e. Telecommunications Advisory Board – three (3) vacancies, due to term expirations of Arnold Granet, Gene Folden, and Neil Eisner, whose terms expire 09/08/05.

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 Bids

- 1) Irrigation Supplies  
Requested by Recreation Services  
Utility Services  
Hughes Supply Inc., John Deere Landscapes, Inc. \$149,256
- 2) Tree Trimming/Pruning Services & Tree  
Removal/Stump Grinding Services  
Requested by Recreation Services  
Municipal Services  
Utility Services  
Zimmerman Tree Service, Superior Landscaping  
& Lawn Service, & Arbor Tree & Land, Inc. \$267,000

b. Competitive Sealed Proposal

- 1) Mizner Park Property Maintenance- Renewal  
Requested by Recreation Services  
Rouse Property Management, Inc. \$499,790

c. Sealed Bid Renewal

- 1) Recycled Plastic Wood Picnic Tables, Trash  
Receptacles & Park Benches- Renewal  
Requested by Recreation Services  
American Recreational Products \$27,468

d. Resolution No. 143-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with LBFH, Inc., for the purpose of providing professional engineering services for the design of the NW 12<sup>th</sup> Avenue Capital Improvement Project; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 145-2005

A resolution of the City of Boca Raton encouraging the School Board of Palm Beach County to purchase property south of Boca Raton High School; directing the City Clerk to send a copy of this resolution to the Superintendent and School Board of Palm Beach County; providing for severability; providing for repealer; providing an effective date

f. Receive and File Board Minutes – August 23, 2005

- 1) A1A Landscape Task Force  
July 6, 2005
- 2) Community Appearance Board  
July 26, 2005
- 3) General Employees' Pension Board  
May 12, 2005
- 4) Parks and Recreation Board  
June 7, 2005
- 5) Physically and Mentally Challenged Board  
July 7, 2005
- 6) Police and Firefighters' Pension Board  
April 28, 2005  
May 26, 2005
- 7) Special Master  
June 8, 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-A – QUASI-JUDICIAL CONSENT AGENDA:**

*(Prior to consideration of a motion to approve the quasi-judicial consent agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing.)*

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

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

4. Ordinance No. 4893

An ordinance of the City of Boca Raton amending Article V, Chapter 9 of the Code of Ordinances, entitled "Sexual Offenders and Sexual Predators"; to prohibit sexual offenders and sexual predators convicted of crimes under certain Florida Statutes from living within 2,500 feet of specified locations; to provide for the annual registration of private school bus stops; providing for a definition of private school bus stops; providing for severability; providing for repealer; providing for codification; providing an effective date

5. Ordinance No. 4897

An ordinance of the City of Boca Raton amending Section 2-153, Code of Ordinances, relating to membership of the Community Relations Board; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4898 (Revised 8/23/05)

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 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. 4894

An ordinance of the City of Boca Raton creating Chapter 25, Article V of the City of Boca Raton Code of Ordinances; establishing regulations governing the granting and operation of cable television system franchises in the City of Boca Raton; establishing minimum standards for construction, operations and maintenance of cable television systems; establishing regulations regarding all aspects of cable television systems; 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:**

8. Resolution No. 137-2005

A resolution of the City of Boca Raton adopting an amended Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

**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.