

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 13, 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 Regular Workshop Meeting of November 21, 2005
Minutes of the Regular Meeting of November 22, 2005

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Presentation - Bicycle Friendly Community Award – League of American Bicyclists

Presentation - Holiday Ornament – Boca Raton Garden Club

Proclamation – Morgan Pressel Day – December 13, 2005

Proclamation – Kiryat Bialik – December 23, 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 & Appeals – one (1) vacancy for an electrical contractor, term to expire 02/15/09.
- b. Citizens' Pedestrian and Bikeway Advisory Board – three (3) vacancies, two due to term expirations of Jason S. Mankoff and Ed Rowan, whose terms expire 01/12/06, and one due to resignation of Anita Pearson, whose term expires 01/12/07.
- c. Civil Service Board – one (1) vacancy to complete the term expiring 11/01/07.
- d. Community Relations Board – one (1) vacancy for a former student position, term to expire 07/25/07.

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) Exterior & Interior Painting of City Facilities
Requested by Municipal Services
Roof Painting by Hartzell Inc. \$51,811
- 2) Coagulant Aid
Requested by Utility Services
Generic International Chemicals \$112,785

b. Intergovernmental Agreements

- 1) Furniture
Requested by Recreation Services
Workscapes South LCC \$32,305
- 2) AS400 Software & Hardware Maintenance
Requested by City Manager
Midrange Support & Services, Inc. \$36,510
- 3) Motorola Radios & Batteries
Requested by Fire-Rescue Services
Motorola Inc. \$76,662
- 4) Wellfield Maintenance & Rehabilitation
Services
Requested by Utility Services
Aquifer Maintenance & Performance
Systems Inc. \$120,000

c.	<u>Sole Source</u>	
1)	ESRI Software Maintenance Requested by City Manager ESRI, Inc.	\$27,400
d.	<u>Emergency - Hurricane Wilma (Phase I)</u>	
1)	Bagged Ice Requested by City Manager City Ice Company	\$47,778
2)	Repair to Wireless Link Requested by City Manager MCIS, Inc.	\$58,727
3)	Overhead Doors Requested by Municipal Services Electronic Door Lift Inc.	\$29,291
4)	Traffic Sign Blanks Requested by Municipal Services Cornerstone Business Inc.	\$73,523
5)	Fuel Requested by Municipal Services Amerada Hess Corporation, Mizner Park Citgo, Ron's Camino Real Mobil	\$79,046
6)	Lamp Fixtures Requested by Municipal Services Spero Electric Corporation	\$159,840
7)	Electrical Inspection & Repairs to Sports Lighting Requested by Recreation Services Lectra Living Inc.	\$54,000
8)	Disaster Recovery Services for Medians & Parks Requested by Recreation Services Superior Landscaping & Lawn Service, Inc.	\$25,000
9)	Tree Trimming/Pruning & Tree Removal/Stump Grinding Services Requested by Recreation Services Zimmerman Tree Service	\$115,000
10)	Disaster Recovery Services for Medians & Parks Requested by Recreation Services Hartzell Construction, Inc.	\$1,062,500

e. Resolution No. 205-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Agreement with the Florida Department of Corrections, Region III, Circuit 15, Community Corrections, for the purpose of improving the administration of criminal justice in Palm Beach County; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 207-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Agreement with Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A.; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 210-2005

A resolution of the City of Boca Raton authorizing the City Manager to submit an application for an Economic Development Initiative Grant from the United States Department of Housing and Urban Development to be used for streetscape improvements pursuant to the Pearl City Master Plan; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 211-2005

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in March 2006; rescheduling the first workshop and regular meetings in October 2006; and canceling the second workshop and regular meetings in December 2006; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 213-2005

A resolution of the City of Boca Raton authorizing the settlement of certain claims of S.F.C.S., Inc. related to the construction of the Western Library (Bid No. 2003-062-B); providing for severability; providing for repealer; providing an effective date

j. Resolution No. 215-2005

A resolution of the City of Boca Raton approving and accepting a Warranty Deed from Country Club Maintenance Association Inc. over certain lands located at Military Trail and Yamato Road and authorizing compensation for costs which may be incurred for the relocation of a wall and appurtenances; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 216-2005

A resolution of the City of Boca Raton approving the City's Year 2006 State Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 217-2005

A resolution of the City of Boca Raton approving the City's Year 2006 Federal Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 218-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 5 to Contract 97PB4 with the State of Florida, Department of Environmental Protection for the purpose of reimbursable funding for engineering, permitting, design and construction of the Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 219-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Project Agreement 1B with Kaufman Lynn, Inc., General Contractors, for the construction of the Police/Fire Training Facility and to waive the applicable provisions of the formal procurement process; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 220-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Project Agreement 2B with Kaufman Lynn, Inc., General Contractors, for the construction of the Fire Rescue Services Support and Training Facility and to waive the applicable provisions of the formal procurement process; providing for severability; providing for repealer; providing an effective date

p. Receive and File Board Minutes – December 13, 2005

- 1) A1A Landscape Task Force
September 14, 2005
November 9, 2005
- 2) Community Appearance Board
October 18, 2005
November 8, 2005
- 3) Community Relations Board
October 17, 2005
- 4) Environmental Advisory Board
September 15, 2005
- 5) Financial Advisory Board
September 19, 2005
- 6) Historic Preservation Board
October 18, 2005
- 7) Marine Advisory Board
October 5, 2005
- 8) Planning and Zoning Board
September 22, 2005
October 6, 2005
- 9) Telecommunications Advisory Board
October 6, 2005

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

(City Council will adopt the following resolution without further review, unless a member of the public requests that it be removed for public hearing. The public hearing will be conducted pursuant to quasi-judicial guidelines.)

4. Resolution No. 208-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Ravella Townhomes subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date

(If you are planning to speak during any public hearing under Part II-B, Part III, or Part IV, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any public hearing under Part II-B will be governed by the “quasi-judicial procedures” attached to this agenda.)

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

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Resolution No. 204-2005

A resolution of the City of Boca Raton adopting the Evaluation and Appraisal Report for the 1989 Boca Raton Comprehensive Plan; approving adoption of the report in accordance with Section 163.3191, Florida Statutes; providing for severability; providing for repealer; providing an effective date (SC-04-18)

6. Ordinance No. 4907 *(Transmittal public hearing – first of two required public hearings.)*

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by adding provisions for mixed use development along the North Federal Highway Corridor; providing for the deletion of the Highland Beach Wellfield Protection Area from Map 12 of the Comprehensive Plan Map Series; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-05-13)

7. Ordinance No. 4909 *(Transmittal public hearing – first of two required public hearings.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 20.29 acres, more or less, generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Commercial (C) to Mixed Use (MU); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-04/SC)

8. Resolution No. 214-2005

A resolution of the City of Boca Raton setting forth the City's intent to use the uniform method for collection of a special assessment to be levied upon all real properties located within the City of Boca Raton to fund a portion of the fire operations within the City of Boca Raton; stating a need for such levy; providing a copy of this resolution shall be forwarded to the Property Appraiser, Tax Collector and the Florida Department of Revenue; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

9. Resolution No. 212-2005

A resolution of the City of Boca Raton authorizing the settlement of a workers' compensation claim for Alexander Mancus, a Building Inspector in the Development Services Department, providing for severability; providing for repealer; providing an effective date

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. 4911

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 14, 2006 election; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4912

An ordinance of the City of Boca Raton amending Section 23-108, Code of Ordinances, to establish the time for land dedications, and payments in lieu thereof, for park or recreational purposes; 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:

12. Resolution No. 206-2005

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

13. Resolution No. 209-2005

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

14. Selection of Canvassing Board Member

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.