

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 11, 2006 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of March 20, 2006
Minutes of the Regular Meeting of March 21, 2006
Minutes of the Organizational Meeting of March 31, 2006

PROCLAMATIONS/RECOGNITIONS/AWARDS:

John Crean Day – April 11, 2006

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. Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Joan C. Daly, J. Robert Gordon, Bernadette Krutchik, Gary E. Susser, and Jay Van Vechten, whose terms expire 04/23/06.
- b. Environmental Advisory Board – three (3) vacancies due to term expirations of Elisabeth Hoffman, Andrew M. Gross, and Maggie Barszewski, whose terms expire 04/30/06.

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. Competitive Sealed Proposal

- 1) Fireworks Display for the Fourth of July
Requested by Recreation Services
Zambelli Fireworks Internationale \$27,000

b. Competitive Sealed Proposal - Renewal

- 1) Printing and Distribution of the
Recreator - Renewal
Requested by Recreation Services
Sun Sentinel Direct \$90,678

c. Sealed Bid

- 1) Bus Shelter Cleaning Service - Renewal
Requested by Municipal Services
Roof Painting by Hartzell \$54,000
- 2) Resource Recovery Services - Renewal
Requested by Municipal Services
Recreation Services
Sun Recycling L.L.C. \$63,750.00

d. Resolution No. 44-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a County Incentive Grant Program Agreement with the Florida Department of Transportation and Palm Beach County for the purpose of deploying dynamic message signs on State Roads; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 45-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Confirmation Of Receipt Of Right Of Way, on certain lands located adjacent to 1515 South Federal Highway; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 46-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Bulletproof Vest Partnership 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

g. Resolution No. 49-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 19 with Kimley-Horn and Associates, Inc. for the purpose of providing for additional consulting services related to modifying the Boca Raton Downtown Development of Regional Impact Development Order; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 50-2005

A resolution of the City of Boca Raton authorizing the City Manager to amend the City's Executive Benefit Plan for the purpose of updating benefits for the City's executive employees; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 51-2006

A resolution of the City of Boca Raton setting forth the City's intent to use a portion of the funds collected from the proposed imposition of a fire services assessment, to offset the expense to the City of providing additional benefits pursuant to the 2005-2008 Firefighters Collective Bargaining Agreement; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 52-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement between the City and the Firefighters of Boca Raton, Local 1560, IAFF, Inc. ("Firefighters"); providing for severability; providing for repealer; providing an effective date

k. Resolution No. 53-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Halogen Software, Inc., for the purchase of a license for employee performance appraisal software; providing for severability; providing for repealer; providing an effective date

I. Board Resignations

- 1) Resignation of Edward Rowan from the Citizens' Pedestrian and Bikeway Advisory Board.

m. Receive and File Board Orders

- 1) Special Master
 - a) Case No. SM(C) 05-00001452
 - b) Case No. SM(C) 05-00002765
 - c) Case No. SM(C) 05-3260
 - d) Case No. SM(C) 05-00003531
 - e) Case No. SM(C) 05-3897
 - f) Case No. SM(C) 05-3948
 - g) Case No. SM(C) 05-00004107

n. Receive and File Board Minutes – April 11, 2006

- 1) Community Appearance Board
March 7, 2006
March 14, 2006
March 21, 2006
- 2) Education Advisory Board
February 27, 2006
- 3) Environmental Advisory Board
December 15, 2005
- 4) General Employees' Pension Board
January 12, 2006
February 9, 2006
- 5) Planning and Zoning Board
February 9, 2006
February 23, 2006
- 6) Police and Firefighters' Pension Board
January 26, 2006 (Regular Meeting)
February 7, 2006 (Administrative Committee)
February 9, 2006 (Administrative Committee)
- 7) Special Master
December 14, 2005
March 8, 2006

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.)

4. Resolution No. 42-2006

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Santa Fe Villas subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-05-07)

5. Resolution No. 43-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Lofts subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-05-03)

(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:

6. Ordinance No. 4935 (Revised 4/11/06)

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System by amending Section 12-151, "Retirement Dates and Benefits; Optional Provisions for Firefighters" to implement the recently approved collective bargaining agreement; providing for severability; providing for repealer; providing for codification; providing an effective date

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

7. Resolution No. 47-2006

A resolution of the City of Boca Raton authorizing the settlement of a workers' compensation claim for a Retired Police Officer, Paul Holland, 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.)

8. Ordinance No. 4936

An ordinance of the City of Boca Raton providing for the vacation and abandonment of the unimproved portion of Banyan Trail located south of N.W. Spanish River Boulevard and east of North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-03)

9. Ordinance No. 4937

An ordinance of the City of Boca Raton granting to Florida Power and Light Company, its successors and assigns, an electric franchise; imposing provisions and conditions relating thereto; providing monthly payments to the City of Boca Raton; providing for repealer; providing an effective date

10. Ordinance No. 4938

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to utilities by amending Chapter 17 removing all references to user fees and placing them in the Boca Raton Municipal Facilities and Services User Fee Schedule, revising meter access provisions, revising delinquent notice mailing requirements, revising property lien priority, revising owner obligations and deleting the exception for firelines and sprinklers as cross connections; 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:

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

11. Resolution No. 48-2006

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(c)(3), Code of Ordinances, to construct one (1) additional flat sign identifying the occupancy on a corner lot located at 2300 NW Executive Center Drive; providing for severability; providing for repealer; providing an effective date (SCV-05-07)

QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION

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

12. Resolution No. 41-2006

A resolution of the City Council of the City of Boca Raton granting the appeal of Shoppes of Blue Lake II from the Zoning Board of Adjustment, approving a modification to a previously approved variance to permit a west bound left-turn lane into a Conditional Commercial Node located at 1200 Yamato Road; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

13. Tri-County Humane Society – Request for Release of Funds

CITY ATTORNEY REPORTS:

MAYOR AND COUNCIL MEMBER REPORTS:

14. Metropolitan Planning Organization Appointments (2)
15. Palm Beach County League of Cities – (1) Voting Delegate and Alternate(s)

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.