

## AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 26, 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 September 11, 2006  
Minutes of the Special Meeting of September 11, 2006  
Minutes of the Regular Meeting of September 12, 2006

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

Proclamation: National Red Ribbon Celebration – October 23 through 31, 2006  
Utility Services “Play and Win” Contest Winners

### ***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. Elder Affairs Advisory Board – one (1) vacancy due to resignation of Wilma Greenfield, whose term expires 2/14/09.
- b. General Employees Pension Board – one (1) vacancy due to resignation of Robert J. Daniels, whose term expires 03/29/08.
- c. Pearl City Blue Ribbon Committee – one (1) vacancy due to resignation of Warren Adams (at large member), whose term expires 01/23/07.

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 Bid FY 05/06

- 1) Ballfield Dugout Replacement at Meadows & Memorial Park(s)  
Requested by Recreation Services  
McCabe Brothers Construction Corp. \$375,600
- 2) NW 12th Avenue Widening  
Requested by Municipal Services  
Ocean Bay Construction Inc. \$3,844,066

b. Sealed Bid FY 06/07

- 1) Landscape Maintenance Services for the Cemetery & Mausoleums  
Requested by Recreation Services  
Custom Care, Inc. \$30,720
- 2) Lighting Repair & Maintenance for Recreation Sports & Park Facilities  
Requested by Recreation Services  
Lectra Living Inc., & Imperial Electrical Inc. \$95,563

c. Intergovernmental Agreement FY05/06

- 1) Furniture (Replacement – City Clerk’s Office)  
Requested by Municipal Services  
Workscapes South LLC \$41,522
- 2) Audio Visual Classroom Equipment (6500 Building)  
Requested by Police Services  
Audio Visual Innovations \$56,824

3)	Video Surveillance System Requested by Police Services Diamond Quest	\$50,000
4)	Gym Equipment Requested by Police Services Free Motion Fitness, & M-F Athletic Company	\$69,752
5)	Shade Pavilions (New & Replacements) Requested by Recreation Services Superior Park Systems Inc.	\$384,458
6)	Furniture (New) Requested by Police Services Workscapes South LLC	\$160,000
d.	<u>Intergovernmental Agreement FY 06/07</u>	
1)	Laboratory Supplies Requested by Utility Services Fisher Scientific Company	\$38,000
2)	Fire Rescue Services Trousers Requested by Fire Rescue Services Harrison Uniforms	\$40,000
3)	Water Meter Fittings & Water Line Accessories Requested by Utility Services Ferguson Enterprises, Inc.	\$50,000
4)	Tire Services Requested by Municipal Services Pride Enterprises	\$72,000
5)	Lift Station Pumps Requested by Utility Services Florida Bearings, Inc.	\$85,000
6)	Tires & Tubes Requested by Municipal Services Fire Rescue Services Boca Raton Tire Center Inc., & Tire Soles of Broward	\$245,000
7)	Corrosion & Odor Control Products Requested by Utility Services U.S. Filter/Davis Process	\$383,500
8)	Office Supplies Requested by City Wide Office Depot	\$450,000

9)	Gasoline & Diesel Fuel Requested by Municipal Services Utility Services BV Oil Company	\$1,700,000
e.	<u>Sole Source FY 06/07</u>	
1)	Fire Apparatus Repair Parts Requested by Fire Rescue Services Sutphen Corporation	\$25,000
2)	Medical Supplies & Pharmaceutical Restocking Requested by Fire Rescue Services Boca Raton Community Hospital	\$30,000
3)	Fuel for Police Boats Requested by Municipal Services Cove Marina, Inc., & Delray Harbor Club Marina	\$30,000
4)	Original Equipment Manufacturer (OEM) Parts & Factory Authorized Repairs for International Trucks Requested by Municipal Services Fire Rescue Services Rechtien International Trucks, & Cummings Brothers Truck Repairs	\$34,000
5)	Original Equipment Manufacturer (OEM) Petersen Parts & Services Requested by Municipal Services Petersen Industries Inc., & Clark Waste Systems Inc.	\$40,000
6)	Building Automation System Maintenance Requested by Municipal Services Johnson Controls, Inc.	\$42,940
7)	Original Equipment Manufacturer (OEM) for GS Recycling Truck Bodies & Crane Carrier Trucks Requested by Municipal Services Container Systems & Equipment	\$50,000
8)	Lift Station Pump Repairs Requested by Utility Services Florida Bearings, Inc.	\$70,000
9)	Original Equipment Manufacturer (OEM) Parts & Service for Leach Sanitation Packers and Labrie Recycling Trucks Requested by Municipal Services Clark Waste System Inc.	\$80,000

10)	Security Management System Services Requested by Municipal Services Johnson Controls, Inc.	\$106,788
11)	Original Equipment Manufacturer (OEM) Parts & Factory Authorized Repairs for Mack Truck Refuse Packers Requested by Municipal Services Nextran Truck Center	\$130,000
12)	Original Equipment Manufacturer (OEM) Parts & Service for Sterling & Freightliner Trucks Requested by Municipal Services Fire Rescue Services Atlantic Truck Center	\$142,000
13)	Software Maintenance for Police Public Safety System Requested by City Manager Sungard H.T.E., Inc.	\$197,869
14)	Motorola Radio System Maintenance Requested by Police Services Motorola	\$225,106
15)	Water Meters & Parts Requested by Utility Services Badger Meter, Inc.	\$400,000

f. Waiver of Procurement Procedures FY 06/07

1)	Excess Insurance Requested by Financial Services Arthur J. Gallagher & Co./State National Insurance Company	\$195,000
----	--	-----------

g. Resolution No. 149-2006

A resolution of the City of Boca Raton approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County, for certain roadways located within the limits of the annexation area of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 150-2006

A resolution of the City of Boca Raton to extend the terms of appointment for the membership of the Downtown Visions Committee; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 154-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Greenhorne & O'Mara, Inc., for the purpose of consulting services for Countess de Hoernle Park; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 155-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Greenhorne & O'Mara, Inc. for the purpose of consulting services for Countess de Hoernle Park; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 156-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the State of Florida and the Federal Emergency Management Agency for the Hazard Mitigation 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

l. Resolution No. 157-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Country Club Maintenance Association, Inc. for the purpose of providing compensation for the reconstruction of an irrigation system and replacement of sod damaged during the Yamato Road widening project; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 158-2006

A resolution of the City of Boca Raton updating the pay grade schedule for all employees not included in a certified bargaining unit for Fiscal Year 2006-2007; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 159-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 6 with Eckler Engineering, Inc. for the purpose of providing engineering services relating to expanding and rehabilitating the reclaimed water system; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 160-2006

A resolution of the City of Boca Raton authorizing the City Manager to adopt a revised 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

p. Resolution No. 161-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Kaufman Lynn, Inc., General Contractors for the purpose of amending the Guaranteed Maximum Price (GMP) and the scope of work for the Police/Fire Training Facility (ICLAD) located at 6500 Congress Avenue; providing for severability; providing for repealer; providing an effective date

q. Receive and File Board Minutes – September 26, 2006

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
June 12, 2006
- 2) Community Appearance Board  
August 22, 2006
- 3) Downtown Visions Committee  
June 14, 2006  
June 28, 2006
- 4) Elder Affairs Advisory Board  
August 2, 2006
- 5) General Employees' Pension Board  
June 2, 2006 (Workshop Training Meeting)  
June 8, 2006 (Regular Meeting)  
June 20, 2006 (Joint Administrative Committee General Employees'  
and Police & Firefighters' Pension Boards)
- 6) Library Advisory Board  
July 12, 2006
- 7) Marine Advisory Board  
June 7, 2006
- 8) Parks and Recreation Board  
August 8, 2006
- 9) Planning and Zoning Board  
July 20, 2006  
August 3, 2006
- 10) Police & Firefighters' Pension Board  
July 27, 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. 148-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Addison Park subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-06-03)

---

*(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:**

*The public hearing on Items 5 through 10 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines as required for Ordinance No. 4940 and Resolution Nos. 129-2006, 130-2006, and 131-2006. A separate vote will be taken on each item.*

5. Ordinance No. 4941

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as more specifically described herein, from Light Industrial (IL) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

6. Ordinance No. 4940 (Quasi-judicial)

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as described more particularly herein, from Light Industrial Research Park (LIRP) to Multi-Family (R-3); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

7. Resolution No. 129-2006 (Quasi-judicial)

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to Boca Technology Center, a Development of Regional Impact, and constituting this resolution as an amendment to the original Development Order by the City of Boca Raton in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 4948

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Lake Easement, located within Parcel 2, Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment, providing for severability; providing for repealer; providing an effective date (EA-05-05)

9. Resolution No. 130-2006 (Quasi-judicial)

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan approval of the proposed Blue Lake Residential Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-05-02)

10. Resolution No. 131-2006 (Quasi-judicial)

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Blue Lake Residential Planned Unit Development plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-05-02)

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

11. Ordinance No. 4959

An ordinance of the City of Boca Raton delegating certain responsibilities to the County Supervisor of Elections, unless the Canvassing Board chooses to retain those responsibilities; allowing for extended hours of operation of polling places; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Resolution No. 145-2006

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; 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.)*

13. Ordinance No. 4960

An ordinance of the City of Boca Raton relating to the Zoning Board of Adjustment; amending Section 28-131(c)(3), Code of Ordinances, to provide that notices to property owners be sent by first class mail rather than certified mail; 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:**

14. Annual Executive Performance Evaluation

**CITY ATTORNEY REPORTS:**

15. Annual Executive Performance Evaluation

**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.