

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 24, 2007 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 Organizational Meeting of April 2, 2007
Minutes of the Regular Workshop Meeting of April 9, 2007
Minutes of the Regular Meeting of April 10, 2007

PROCLAMATIONS/RECOGNITIONS/AWARDS:

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:

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 Painting of Police & Fire Training Facility
Requested by Municipal Services
Roof Painting by Hartzell Inc. | \$61,070 |
| 2) | 6500 Building Parking Lot Resurfacing
Requested by Municipal Services
Hardrives, Inc. | \$102,309 |
| 3) | Reclaimed Water Pipeline Extensions
Requested by Utility Services
CMA Corporation | \$353,476 |

b. Intergovernmental Agreements

- | | | |
|----|---|-------------|
| 1) | Microsoft Office Software Licenses
Requested by City Manager
Software House International | \$90,720 |
| 2) | Library Materials Collection, Cataloging and Processing
Requested by Recreation Services
Baker & Taylor, Inc. | \$1,800,000 |

c. Sole Source

- | | | |
|----|---|-----------|
| 1) | Custom Built Aerial Ladder
Truck-Replacement
Requested by Fire-Rescue Services
Sutphen Corporation | \$669,363 |
| 2) | Variable Frequency Drive Pump
Stations-Replacement
Requested by Recreation Services
ITT Flowtronex | \$78,751 |

d. Resolution No. 45-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from U.S. Department of Transportation (USDOT), Research and Innovative Technology Administration (RITA), through the Federal Highway Administration (FHWA) for Intelligent Transportation Systems – Operational Testing to Mitigate Congestion (ITS-OTMC); 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

e. Resolution No. 46-2007

A resolution of the City of Boca Raton adopting a Local Housing Assistance Plan for Fiscal Years 2007-08, 2008-09 and 2009-10 pertaining to the State Housing Initiatives Partnership Program; establishing a maximum purchase price per unit; authorizing the City Manager or designee to approve expenditures of funds in accordance with the Local Housing Assistance Plan; establishing maximum administrative expenditures; authorizing and directing the Mayor and City Manager to execute any required documents and certifications related to the Local Housing Assistance Plan; authorizing the Community Improvement Administrator to submit the Local Housing Assistance Plan for review and approval to Florida Housing Finance Corporation; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 47-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation for the Year 2007 Transportation Enhancement Application Cycle; 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. 48-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Department of Homeland Security, Assistance to Firefighters Grant for the purpose of purchasing an exhaust extraction system for the Fire Support Building; 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

h. Resolution No. 49-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for consulting services, and authorizing Work Order No. 1, with Glatting Jackson Kercher and Anglin, Inc., for the purpose of providing planning and consulting services related to the Northwest Multimodal Subdistrict; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 50-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Harvard Jolly, Inc. for the purpose of providing professional construction administration services for the Western Library; repealing Resolution No. 11-2007; providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Minutes – April 24, 2007

- 1) Community Appearance Board
March 13, 2007
- 2) Education Advisory Board
February 26, 2007
- 3) Elder Affairs Advisory Board
March 7, 2007
- 4) General Employees' Pension Board
February 8, 2007 (Administrative Committee Meeting)
February 8, 2007 (Regular Meeting)
- 5) Marine Advisory Board
March 7, 2007
- 6) Police & Firefighters' Pension Board
February 22, 2007 (Regular Meeting)
March 5, 2007 (Disability Review Committee)
- 7) Telecommunications Advisory Board
March 5, 2007

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.)

(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:

4. Resolution No. 44-2007

A resolution of the City of Boca Raton granting conditional use approval for Countess de Hoernle Park on a parcel of land located at 1000 Spanish River Boulevard, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-07-05)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

(The public hearings on Items 5 and 6 will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each petition.)

5. Ordinance No. 4976

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement 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-07-02)

6. Ordinance No. 4977

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an ingress/egress 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-07-01)

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. 4978

An ordinance of the City of Boca Raton creating Section 2-136 and amending Sections 2-176, 2-177, 2-178 and 28-1556, Code of Ordinances; amending the powers and duties of the Community Appearance Board and the Environmental Advisory Board; providing for review and approval of dune management plans by the Environmental Advisory Board for properties seaward of the Coastal Construction Control Line that involve no structures or infrastructure; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 4980

An ordinance of the City of Boca Raton amending Chapter 23, Article VII of the Code of Ordinances relating to Parks and Recreation Impact Fees; 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:

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.