

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 22, 2009 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Susan Haynie
Council Member Anthony Majhess
Council Member Michael Mullaugh
Council Member Constance Scott

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of August 24, 2009
Minutes of the Regular Meeting of August 25, 2009

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation: United States Constitution Week – September 17 through September 23, 2009

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.)

NOTE

Any person who acts as a lobbyist pursuant to City Code, Article V. Code of Ethics, Division 2, Lobbyist Registration, must register with the City Clerk prior to engaging in lobbying activities before City staff, boards, committees and / or the City Council, or any member thereof. Separate registration is required for each principal / client represented and each City matter. All registrations expire on December 31st of each calendar year and new registration is required. Forms are available from the City Clerk.

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 – FY 08/09

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|----|--|-----------|
| 1) | Painting of the Dredge
Requested by Municipal Services
Palm Beach Yacht Center | \$51,971 |
| 2) | Annual Traffic Calming, Bus Shelters, Sidewalks and
Minor Road Construction
Requested by Municipal Services
Total Quality Construction Services, Inc. | \$755,000 |
| 3) | Sodium Hypochlorite Storage Tanks and Piping Replacement
Requested by Utility Services
Interstate Engineering Corporation | \$899,776 |
| 4) | Painting of Traffic Mast Arms
Requested by Municipal Services
Eagle Painting | \$237,200 |
| 5) | Pearl City Phase IV
Requested by Development Services and Recreation Services
Tran Construction, Inc. | \$445,204 |
| 6) | Pavement Resurfacing
Requested by Municipal Services
Community Asphalt Corporation | \$491,510 |

b. Intergovernmental Agreements – FY 08/09

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|----|---|-----------|
| 1) | Wastewater Biosolids Hauling and Disposal
Requested by Utility Services
H & H Liquid Sludge Disposal, Inc. | \$150,100 |
| 2) | Lighting for Tennis Courts- Replacement
Requested by Recreation Services
Musco Sports Lighting, LLC | \$225,300 |
| 3) | Spray Park Playground Equipment (Replacement)
Requested by Recreation Services
Gametime Division of Playcore-Wisconsin, Inc., | \$131,660 |

c.	<u>Competitive Sealed Proposal – FY 08/09</u>	
1)	Personal Protective Equipment for Structural Fire Fighting Requested by Fire Rescue Services Bennett Fire Products Co., Inc.	\$499,900
d.	<u>Sealed Bids – FY 09/10</u>	
1)	Original Equipment (OE) Dealer Service for Chevrolet, Chrysler and Ford Vehicles Requested by Municipal Services Auto Holding Corporation	\$126,000
2)	Resource Recovery Services Requested by Municipal Services and Recreation Services Atlas Lox, LLC	\$65,750
e.	<u>Intergovernmental Agreements – FY 09/10</u>	
1)	Tire Services Requested by Municipal Services Pride Enterprises	\$75,000
2)	Tires Requested by Municipal Services and Fire Rescue Services Boca Raton Tire Center, Inc. Martino Tire Company, Tire Soles of Broward	\$245,000
3)	Water Meter Fittings and Water Line Accessories Requested by Utility Services Ferguson Enterprises, Inc.	\$70,000
4)	Fertilizer Chemicals Requested by Recreation Services and Utility Services Agro Distribution d/b/a Pro Source One, Diamond R Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer, John Deere Landscapes/Lesco, Inc., Crop Production Services, Inc.	\$110,293
5)	Office Supplies Requested by City Wide Office Depot	\$313,978
6)	Maintenance, Repair and Operation Supplies (MRO) Requested by City Wide Home Depot Inc., Grainger Inc., MSC Industrial Supply	\$325,000
7)	Corrosion and Odor Control Products Requested by Utility Services Siemens Water Technologies	\$448,890
8)	Coagulant Aid Requested by Utility Services Tropichem Enterprises	\$92,248

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|--|---|-------------|
| 9) | Automobiles (Replacements)
Requested by Municipal Services
Duval Ford | \$767,750 |
| f. <u>Sole Source – FY 09/10</u> | | |
| 1) | Water Meters and Parts
Requested by Financial Services and Utility Services
Innovative Metering Solutions, Inc. | \$183,989 |
| 2) | Software Maintenance for SunGard Public Sector Software Modules
Requested by City Manager
Sungard Public Sector, Inc. | \$130,316 |
| 3) | Public Safety Software Maintenance
Requested by City Manager
Sungard Public Sector, Inc. | \$260,957 |
| 4) | Motorola Radio System Maintenance
Requested by Police Services and Fire Rescue Services
Motorola | \$259,906 |
| 5) | Payroll/Personnel Software Maintenance and Support
Requested by City Manager
Infor Global Solutions (Michigan), Inc. | \$53,700 |
| g. <u>Waiver of Procurement Procedures</u> | | |
| 1) | Fuel Purchases at Private Gas Stations
Requested by Municipal Services
Amerada Hess and BV Oil | \$3,000,000 |
| h. <u>Resolution No. 135-2009</u> | | |
| A resolution of the City of Boca Raton amending Section 10 of Resolution No. 117-2006; extending the term of the North Federal Highway Steering Committee; providing for severability; providing for repealer; providing an effective date | | |
| i. <u>Resolution No. 136-2009</u> | | |
| A resolution of the City of Boca Raton directing the City Manager to provide support and assistance to the Boca Raton Charter Conversion Feasibility Committee; providing for severability; providing for repealer; providing an effective date | | |
| j. <u>Resolution No. 138-2009</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Avolve Software Corporation, for the purchase of a license for EPlan Building Plan Review Software; providing for severability; providing for repealer; providing an effective date | | |

k. Resolution No. 139-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amended and Restated Agreement between the City of Boca Raton and the Boca Raton Community Redevelopment Agency for the purpose of providing services and support to the Boca Raton Community Redevelopment Agency and extending the term of the agreement; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 140-2009

A resolution of the City of Boca Raton updating the pay and classification plan; providing for a merit pay plan for certain employees for Fiscal Year 2009-2010; providing for severability; providing for repealer; providing an effective date

m. Receive and File Board Minutes – September 22, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board
July 13, 2009
- 2) Community Appearance Board
July 21, 2009
July 28, 2009
August 4, 2009
August 11, 2009
- 3) Community Relations Board
June 15, 2009
- 4) Downtown Boca Raton Advisory Committee
July 15, 2009
- 5) Education Advisory Board
June 22, 2009
- 6) Environmental Advisory Board
May 21, 2009
- 7) Executive Employees' Retirement Plan
May 28, 2009
- 8) Financial Advisory Board
May 11, 2009
- 9) General Employees' Pension Board
January 27, 2009 (Joint Administrative Committee Gen Emp/P&FF)
February 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
March 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
April 8, 2009 (Joint Administrative Committee Gen Emp/P&FF)
April 16, 2009 (Joint Administrative Committee Gen Emp/P&FF)
June 10, 2009 (Joint Administrative Committee Gen Emp/P&FF)
July 9, 2009 (Regular Meeting)
July 17, 2009 (Joint Administrative Committee Gen Emp/P&FF)
August 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
- 10) Library Advisory Board
June 17, 2009

July 20, 2009 (Special Meeting)

- 11) Parks and Recreation Board
August 4, 2009
- 12) People With Disabilities
July 2, 2009
- 13) Planning and Zoning Board
May 21, 2009
June 4, 2009
June 18, 2009
- 14) Special Master
May 13, 2009
May 27, 2009
June 10, 2009
August 12, 2009

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:

(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.)

4. Resolution No. 130-2009

A resolution of the City of Boca Raton considering an amendment to the approved Planned Unit Development, with a master plan, for Boca Beach Club, modifying certain conditions of approval and development parameters of Resolution No. 166-2006, to allow for an extension to the date of removal of the temporary lobby structure, to remove the requirement for a unity of control, and to provide for internal building and landscape setbacks; subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-02R1)

5. Resolution No. 134-2009

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Boca Beach Club replat of Parcel “A” Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-02/SUB)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5103

An ordinance of the City of Boca Raton amending Section 17-230 to provide for annual adjustments to the stormwater utility fees and an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 5104

An ordinance of the City of Boca Raton amending Sections 17-45 and 17-84, Code of Ordinances, to provide for annual adjustments to the water and sewer rates and charges based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 5105

An ordinance of the City of Boca Raton amending Section 2-328, Code of Ordinances, to provide for annual adjustments to the Municipal Cemetery and Mausoleum and the Municipal Golf Course fees based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 5106

An ordinance of the City of Boca Raton amending Section 12-132, Code of Ordinances, relating to the Police and Firefighters' Retirement System regarding eligibility to serve on the Board of Trustees; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 5109

An ordinance of the City of Boca Raton amending the Fiscal Year 2008-2009 Budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

11. Resolution No. 131-2009

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.)

12. Ordinance No. 5111

An ordinance of the City of Boca Raton providing for the vacation and abandonment of public utility easements and a portion of deeded water easements, located on the plat of Ravella Townhomes, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-09-01)

13. Ordinance No. 5112

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Water and Sewer Easement, located at 200 East Palmetto Park Road, as more specifically described herein; approving and accepting a Water Easement Deed from 200 East Partners, LLC, over certain lands located at 200 East Palmetto Park Road; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-09-03)

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.)

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

(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 these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)

14. Resolution No. 129-2009

A resolution of the City Council of the City of Boca Raton considering an appeal of the decision of the Environmental Control Hearing Board to modify the fine imposed by the City Manager, for unauthorized clearing of native vegetation at the U.S. Foodservice site located at 7598 N.W. 6th Avenue; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

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

(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 these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)

15. Resolution No. 133-2009

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(f), Code of Ordinances, to allow one (1) additional building identity sign for Campus Management located at 777 Yamato Road; providing for severability; providing for repealer; providing an effective date (SCV-09-02)

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.