

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 26, 2002 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Carol G. Hanson
Council Member Dave Freudenberg
Council Member Bill Glass
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

PROCLAMATIONS/RECOGNITIONS:

Red Cross Month – March 2002

PRESENTATIONS:

Literacy Coalition of Palm Beach County – Library Services Manager Catherine O’Connell

MINUTES:

Minutes of the Regular Workshop Meeting of February 11, 2002
Minutes of the Regular Meeting of February 12, 2002

NOTICE

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. Boca Raton Housing Authority – (1) vacancy due to resignation of Veronica Hart. Term expires 11/14/04.
- b. Education Advisory Board – (1) vacancy due to resignation of Judy Myers Anderson. Term expires 07/28/03.
- c. Marine Advisory Board – (2) vacancies due to term expirations of Gene Folden (Recreational Boater) and Barry Lehman (Single Family Homeowner-adjacent to Inland Waterway). Terms expire 03/20/02.

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 VI or as otherwise directed by the City Council.)

a. Sealed Bid

- 1) Resource Recovery Services
Requested by Recreation Services, Municipal Services
Atlas-Lox Road, Inc \$119,348

b. Sealed Renewal

- 1) RFP No. 2001-023
Mizner Park Property Maintenance
Requested by Recreation Services
Codina Real Estate Management, Inc. \$487,129

c. Intergovernmental Agreements

- 1) Landscaping for Enhanced Speed Humps
Requested by Recreation Services
Sunquest Nursery of South Florida, Inc. \$80,000
- 2) Pocket Parks
Requested by Recreation Services
Recreational Design & Construction, Inc. \$1,103,100
- 3) Fire Hydrants
Requested by Utility Service
Ferguson Underground \$80,000

- 4) NE 2nd Street Mini-Traffic Circles
Requested by Municipal Services
Weekley Asphalt Paving Inc. \$60,325
- 5) Vertical Precision Aerial Photography
Requested by City Manager
BAE Systems ADR Inc. \$40,048

d. Sole Source

- 1) Open Software Solutions, inc. Software Maintenance
Requested by Police Services
Open Software Solutions, Inc. \$127,825
- 2) Vacuum Filter Repair Parts
Requested by Utility Service
Baker Process \$38,800

e. Resolution No. 10-2002

A resolution of the City of Boca Raton authorizing the Mayor and the City Clerk to execute an agreement with Palm Beach County for the purpose of development of Golden Fig Park; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 32-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Nutting Engineers of Florida, Inc. for the purpose of providing certain professional services in connection with soil and concrete testing services for the construction of the new membrane plant addition to the water treatment plant; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 33-2002

A resolution of the City of Boca Raton accepting and approving an Easement Deed from Byram Hill Realty, Inc. over certain land located at N.E. 74th Street and N. Federal Highway (US 1); providing for severability; providing for repealer; providing an effective date

h. Resolution No. 35-2002

A resolution of the City of Boca Raton approving and accepting the final plat known as the Boca Raton Hotel and Club, Residential Hotel Replat subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (PUD 99-01)

i. Resolution No. 36-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the School Board of Palm Beach County related to Boca Raton Elementary School; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 37-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Third Amendment to the 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; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Minutes – February 26, 2002

- 1) Community Appearance Board
January 15, 2002
January 22, 2002
- 2) Education Advisory Board
January 14, 2002
- 3) Physically and Mentally Challenged Board
January 3, 2002
- 4) Planning and Zoning Board
January 3, 2002
January 17, 2002
- 5) Police & Firefighters' Pension Board
December 19, 2001
- 6) Telecommunications Advisory Board
January 7, 2002

(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.)

REGULAR BUSINESS – PART II – QUASI-JUDICIAL PUBLIC HEARINGS:

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4632

An ordinance of the City of Boca Raton amending Section 2-68, Code of Ordinances, to specify that decisions of the Civil Service Board shall require majority vote, provided that in the case of a tie vote the appeal will be denied and the action of the City will be upheld, and to delete the requirement for scheduling appeals at a specific time; providing for severability; providing for repealer; providing for codification; providing an effective date

5. Ordinance No. 4633

An ordinance of the City of Boca Raton amending the Procurement Code to provide a local preference for contracts of at least \$3,000 but not more than \$24,999, to be awarded pursuant to small purchase procedures; providing for severability; providing for repealer; providing for codification; providing an effective date

REGULAR BUSINESS – PART IV - 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.)

6. Ordinance No. 4634

An ordinance of the City of Boca Raton amending Article 1, Section 1, and Article 10 of the Personnel Rules and Regulations to provide that the following positions shall be in the unclassified service and that persons appointed to the following positions shall be at will employees: Department Heads appointed on or before January 23, 1979 and Division Heads appointed on or before November 24, 1987; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4635

An ordinance of the City of Boca Raton amending Section 8-27, Code of Ordinances, to require nonprofit religious, nonprofit charitable and nonprofit educational institutions to obtain a Certificate of Use prior to occupying a building; amending Section 8-47, Code of Ordinances, to correct certain references therein; providing for severability; providing for repealer; providing for codification; providing an effective date; providing for publication

8. Ordinance No. 4636

An ordinance of the City of Boca Raton amending Section 10-66, Code of Ordinances, Fans and air conditioners, to provide that the City Manager or designee shall administer air conditioner noise regulations and to establish noise regulations for emergency generators in residential districts; providing for severability; providing for repealer; providing for codification; providing an effective date

REGULAR BUSINESS - PART V - 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 VI - 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.