

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 28, 2004 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Welchel

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Special Meeting of August 23, 2004 (Downtown Special Assessments)
Minutes of the Special Meeting of September 8, 2004 (Tentative Budget Public Hearing)
Minutes of the Special Meeting of September 8, 2004 (Proposed Annexation)
Minutes of the Regular Workshop Meeting of September 13, 2004
Minutes of the Regular Meeting of September 14, 2004

PROCLAMATIONS:

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 Bid – FY 03/04

1) Reclaimed Water Pump Station Variable
Frequency Drives Replacement
Requested by Utility Services
Electron Corp. of South Florida \$248,500

b. Sealed Bid – FY 04/05

1) Plant Material Services
Requested by Recreation Services
Conco Horticultural, Inc. \$165,700

c. Competitive Sealed Proposal Renewals – FY 04/05

1) Custodial Maintenance Services - Renewal
Requested by City Wide
Sunshine Cleaning Systems, Inc. \$327,882

2) Excess Insurance - Renewal
Requested by Financial Services
Arthur J. Gallagher & Co./State National
Insurance Company \$179,300

3) Inland Marine Insurance - Renewal
Requested by Financial Services
The Beacon Group Inc. \$67,627

d. Sealed Bid Renewals – FY 04/05

1) Lawnmower / Groundskeeping Parts and Supplies - Renewal
Requested by Recreation Services, Municipal Services,
Utility Services, Fire Rescue Services
Able South, Inc
Boca Raton Small Engines, Inc.
Kilpatrick Turf Equipment, Inc.
Precision Small Engine Co., Inc.
Tesco South, Inc. d/b/a Hector Turf \$95,000

2)	Landscape Maintenance for Police and Fire Stations - Renewal Requested by Recreation Services Lucky Lawns	\$45,442
3)	Hauling and Disposal of Spent Lime - Renewal Requested by Utility Services Soil Tech Distributors, Inc.	\$75,000
4)	Landscape Maintenance for I-95 Interchanges at Yamato Road - Renewal Requested by Recreation Services Complete Property Services	\$26,145
e.	<u>Intergovernmental Agreement – FY 03/04</u>	
1)	Vehicle (Replacement) Requested by Municipal Services Atlantic Truck Center and Tesco Equipment LLC	\$85,938
f.	<u>Intergovernmental Agreements – FY 04/05</u>	
1)	Fire Hydrants Requested by Utility Services Ferguson Underground	\$88,720
2)	Laboratory Supplies Requested by Utility Services Fisher Scientific Company	\$44,000
3)	Corrosion & Odor Control Products Requested by Utility Services U.S. Filter/Davis Process	\$382,050
4)	Personal Computer and Printer Replacement Program Requested by City Manager IBM Direct, Hewlett-Packard Company, Pomeroy, Insight Public Sector, Prosys Information Systems, CompUSA, PC Universe, Netlink Technologies, Champion Solutions Group	\$355,000
5)	Network Infrastructure Upgrades Requested by City Manager IBM Direct, Hewlett-Packard Company, Pomeroy, Insight Public Sector, Presidio, Netlink Technologies, CompUSA, Prosys Information Systems, PC Universe, Champion Solutions Group	\$350,000

6)	Laptop Replacement Program Requested by City Manager IBM Direct, Pomeroy, Insight Public Sector, Prosys Information Systems, CompUSA, PC Universe	\$300,000
7)	Office Supplies Requested by City Wide Office Depot	\$450,000
g.	<u>Sole Source – FY 03/04</u>	
1)	Ethernet Switches Requested by Municipal Services Etherwan Systems	\$50,116
2)	Traffic Signal Controllers Requested by Municipal Services Naztec Inc.	\$75,000
h.	<u>Sole Source – FY 04/05</u>	
1)	eLabor Software Maintenance Requested by City Manager ADP, Inc.	\$26,281
2)	HTE Software Maintenance Requested by City Manager HTE Inc.	\$105,290
3)	Infinium Payroll/Personnel Software Maintenance and Support Requested by City Manager SSA Global	\$41,099
4)	Maintenance for the IBM AS/400 and Related Equipment Requested by City Manager IBM Corporation	\$35,000
5)	Lift Station Pumps and Repairs Requested by Utility Services Florida Bearings, Inc.	\$100,000
6)	Water Meters & Parts Requested by Utility Services Badger Meter, Inc.	\$450,000
i.	<u>Exempt</u>	
1)	Leadership Development Training Requested by City Manager The Goldner Group	\$43,380

j. Resolution No. 173-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boca Raton Housing Authority for the purpose of assisting with operating costs of the “CATS” after school and summer camp programs; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 175-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Summit Boca Raton subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-03)

l. Resolution No. 176-2004

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

m. Resolution No. 177-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Boca Raton Housing Authority (“Authority”) terminating the Agreement for Administrative and Management Services with the Authority; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 179-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Junior League of Boca Raton, Inc., a Florida not for profit corporation, for the purpose of assisting with costs of the Community Resource Center; providing for severability; providing for repealer; providing an effective date

o. Board Resignations

1) Resignation of D.W. (Douglas) Archibald from the Marine Advisory Board

p. Employee Election Certifications

1) Certification of the election of Barbara Smith as a trustee, replacing Carol Himes on the General Employees’ Pension Board for the term to expire on March 29, 2007.

(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 AND RELATED PUBLIC HEARINGS:

4. Resolution No. 140-2004

A resolution of the City of Boca Raton granting a Planned Commercial Development with a Master Plan for the proposed Sanctuary Square, subject to conditions; granting a technical deviation for driveway design; providing for severability; providing for repealer; providing an effective date (PCD-04-01)

5. Resolution No. 169-2004

A resolution of the City of Boca Raton granting a modification of the site plan for an expansion to the square footage at the Town Center at Boca Raton Mall; located at 6000 Glades Road; providing for severability; providing for repealer; providing an effective date (SC-04-07)

(The public hearing on Items 6 and 7 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

6. Ordinance No. 4802

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.1776 acres, more or less, located at 6900 Congress Avenue, as more specifically described herein, from IM (Manufacturing) to C (Commercial); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-04-04 SC/ZC/SPA)

7. Ordinance No. 4803

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 3.1776 acres, more or less, located at 6900 Congress Avenue, as described more particularly herein, from M-3 (Manufacturing) to C-1 (Commercial); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-04 SC/ZC/SPA)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. Ordinance No. 4804

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees’ Pension Plan (“Plan”); creating Subsection 12-96(4), Code of Ordinances, relating to transfers from the Plan for employees of the Boca Raton Housing Authority; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 4805

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Executive Employees' Retirement Plan ("Plan"); creating a new Section 12-180, Code of Ordinances, relating to transfers from the Plan for employees of the Boca Raton Housing Authority; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 4808

An ordinance of the City of Boca Raton providing for the vacation and abandonment of all the platted rights-of-way within the Spanish River Woods Plat, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-03-04)

11. Ordinance No. 4809

An ordinance of the City of Boca Raton providing for the vacation and abandonment of all platted limited access, utility and drainage easements, located in the Spanish River Woods Plat, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-08)

12. Ordinance No. 4812

An ordinance of the City of Boca Raton repealing Ordinance No. 4594 which designated the Lofty Fig Trees in the north parking lot of City Hall as Historic Trees pursuant to Section 27-44, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

13. Ordinance No. 4818

An ordinance of the City of Boca Raton amending the Fiscal Year 2003-2004 budget through a budget amendment relating to Hurricane Frances; providing for severability; providing for repealer; providing an effective date

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

14. Resolution No. 178-2004

A resolution of the City of Boca Raton authorizing the settlement of a claim, Timothy Farrington vs. City of Boca Raton, 15th Judicial Circuit Court No: CA02-352-AG, CBR NO: EL98-0001-PS; 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.)

15. Ordinance No. 4813

An ordinance of the City of Boca Raton providing for the vacation and abandonment of the non-vehicular access line of the Mizner Park Plat, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-04-05)

16. Ordinance No. 4814

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an anchor easement, located at 382 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-12)

17. Ordinance No. 4815

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement, located at 300 and 316 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-13)

18. Ordinance No. 4816

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of public utility easements, located at 1330 North Military Trail in the Fairfield Gardens Plat, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-01)

19. Ordinance No. 4817

An ordinance of the City of Boca Raton amending Ordinance No. 4296 relating to the use of excise tax upon public services and the collection and depositing of such funds; providing for severability; providing for repealer; 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:

20. Resolution No. 172-2004

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

CITY MANAGER RECOMMENDATIONS AND REPORTS:

CITY ATTORNEY REPORTS:

MAYOR AND COUNCIL MEMBER REPORTS:

21. Designation of Voting Delegate and Alternate Voting Delegate
Annual Congress of Cities, December 2004, Indianapolis, Indiana

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.