

# AGENDA

**REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 21, 2006 6:00 PM**

## **INVOCATION:**

## **PLEDGE OF ALLEGIANCE TO THE FLAG:**

## **ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Peter R. Baronoff  
Council Member Bill Hager  
Council Member Susan Haynie

## **AMENDMENTS TO THE AGENDA:**

## **MINUTES:**

Minutes of the Regular Workshop Meeting of February 27, 2006  
Minutes of the Regular Meeting of February 28, 2006

## **PROCLAMATIONS/RECOGNITIONS/AWARDS:**

FAIR Housing Month – April 2006

Woodfield Cancer Research Unit Day – March 20, 2006

## ***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. Board of Trustees for Police & Firefighters' Retirement System – two vacancies due to term expirations of Richard Robinson and John D. Girard, whose terms expire 03/29/06.
- b. Board of Trustees for General Employees' Pension Plan – one vacancy due to term expiration of Carole R. Marko, whose term expires 03/29/06.
- c. Citizens' Pedestrian and Bikeway Advisory Board – two vacancies; one term expires 01/12/07 and one term expires 01/12/09.
- d. Planning and Zoning Board – three vacancies due to term expirations of Frank J. Gulisano, Robert B. Hagerty, and Steve Utrecht, whose terms expire 03/31/06.
- e. Zoning Board of Adjustment – two vacancies due to term expirations of Jeffrey S. Barker and Ryan Shoup, whose terms expire 04/10/06.

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

- 1) Countdown Pedestrian Signals  
Requested by Municipal Services  
Transportation Control Systems, Inc. \$41,000

b. Competitive Sealed Proposal-Renewal

- 1) Property Insurance-Renewal  
Requested by Financial Services  
Beacon Group, Inc. \$1,546,177

c. Intergovernmental Agreement

- 1) Roofing Repair Services  
Requested by Municipal Services  
Weiss & Woolrich Southern Enterprises, Inc. \$59,360

d. Sole Source

- 1) Access Control System for Fire  
Support Building  
Requested by Fire Rescue Services  
Johnson Controls, Inc. \$28,776

- e. Emergency
- 1) Causeway Lumber Demolition  
Requested by Recreation Services  
Omega Contracting, Inc. \$350,000
- f. Emergency-Hurricane Wilma (Phase V)
- 1) Sidewalk Repairs  
Requested by Municipal Services  
Florida Blacktop, Inc \$140,000
  - 2) Electrical Inspection and Repairs to  
Sports Lighting  
Requested by Recreation Services  
Lectra Living Inc. \$173,900
  - 3) Fence Repairs  
Requested by Municipal Services  
Hartzell Construction, Inc. \$77,353
  - 4) Mizner Park Street Lighting Repairs  
Requested by Municipal Services  
Reichenbach Electric Inc. \$154,250
  - 5) Disaster Recovery for Medians and Parks  
Requested by Recreation Services  
Hartzell Construction, Inc. \$63,773
- g. Resolution No. 35-2006
- A resolution of the City of Boca Raton changing the name of a street in the Arvida Country Club Plat One of University Park – P.U.D.; providing for conditions to the change; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 36-2006
- A resolution of the City of Boca Raton, Florida, opposing the following proposed State legislation, HB1199, SB1254, and SB1984; urging members of the Florida Legislature, and the Governor, to oppose these bills; supporting existing law under which local governments are franchising authorities for the provision of cable services; directing that this resolution be forwarded to members of the Florida Legislature, the Governor, the Palm Beach County Legislative Delegation, Palm Beach County League of Cities and the Florida League of Cities; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 37-2006
- A resolution of the City of Boca Raton, Florida supporting the proposed “Permanent Protection for Florida Act of 2006”; providing for severability; providing for repealer; providing an effective date
- j. Receive and File – Election Results
- 1) Memorandum regarding the uncontested election of Bill Hager to City Council Seat C and M. J. Mike Arts to City Council Seat D.

- 2) Certification of the results of the March 14, 2006 Regular Election
- 3) Certification of the election of Michael Barbera (firefighter) as a trustee on the Board of Trustees of the Police and Firefighters' Retirement System for a term to expire March 29, 2008.
- 4) Memorandum regarding the uncontested election of Chris Somers (police officer) as a trustee on the Board of Trustees of the Police and Firefighters' Retirement System for a term to expire March 29, 2008.
- 5) Memorandum regarding the uncontested election of Carolyn (Lynn) Bodor as a trustee on the Board of Trustees of the General Employees' Pension Plan for a term to expire March 29, 2007, and the uncontested election of Janice Vassell as a trustee on the Board of Trustees of the General Employees' Pension Plan for a term to expire March 29, 2009.

k. Board Resignations

- 1) Resignation of Andrew Conger from the Builders' Board of Adjustment and Appeals
- 2) Resignation of Neil D. Eisner from the Telecommunications Advisory Board

l. Receive and File Board Minutes – March 21, 2006

- 1) A1A Landscape Task Force  
January 18, 2006
- 2) Citizen's Pedestrian and Bikeway Advisory Board  
December 12, 2005
- 3) Community Appearance Board  
February 14, 2006  
February 21, 2006  
February 28, 2006
- 4) Education Advisory Board  
January 23, 2006
- 5) Executive Employees' Retirement Plan Board of Trustees  
December 7, 2005
- 6) Financial Advisory Board  
January 30, 2006
- 7) Historic Preservation Board  
January 17, 2006
- 8) Library Advisory Board  
January 18, 2006
- 9) Marine Advisory Board  
February 1, 2006

- 10) North Federal Highway Steering Committee  
January 3, 2006
- 11) Physically and Mentally Challenged Advisory Board  
February 2, 2006
- 12) Police and Firefighters' Pension Board  
December 22, 2005 (Investment Committee Meeting)  
December 22, 2005 (Regular Meeting)

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**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.)*

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*(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:**

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

4. Ordinance No. 4929

An ordinance of the City of Boca Raton amending Chapter 19, Code of Ordinances, to be consistent with the Florida Building Code; amending Section 19-43, Code of Ordinances, to clarify construction site maintenance requirements; creating Section 19-70, Code of Ordinances, and amending Sections 19-62 and 19-75, Code of Ordinances, to provide for proceedings before the Builders' Board of Adjustment and Appeals related to fraud and willful building code violations and to provide for penalties for such fraud and violations; amending Section 19-92, Code of Ordinances, to provide consistency with Florida Statutes regulating the scope of owner-builder permits; deleting Sections 19-128, 19-171, and 19-197, Code of Ordinances, to be consistent with the Florida Building Code; providing for severability; providing for repealer; providing for codification; providing an effective date

5. Ordinance No. 4930

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of the George A. Long Alley right-of-way, located between S.E. 8<sup>th</sup> and S.E. 9<sup>th</sup> Streets, west of South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-05)

6. Ordinance No. 4931

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-10)

7. Ordinance No. 4932

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-11)

8. Ordinance No. 4933

An ordinance of the City of Boca Raton creating Article VII "Impact Fees" of Chapter 23 "Planning and Development" of the City Code of Ordinances including Division I "Generally" that includes provisions for findings; and including Division II "Parks and Recreation Impact Fees," including provisions for Payment of Fees; Definitions; Disposition of Fees; Independent Impact Analysis; Refunds; and Credits; providing for repeal of Division 2. "Land Dedication" of Article IV "Development Regulations" of the City of Boca Raton Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 25-2006

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to Parks and Recreation impact fees; 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.)*

**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:**

**QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION**

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

9. Request for Use of City Seal – Lagoon Keepers

**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.