

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 13, 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 Regular Workshop Meeting of January 22, 2007
Minutes of the Regular Meeting of January 23, 2007

PROCLAMATIONS/RECOGNITIONS/AWARDS:

2-1-1 Awareness Week - February 11 through 18, 2007

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. Competitive Sealed Proposal

1) Janitorial/Custodial Maintenance Service
Requested by City Wide
Sunshine Cleaning Systems, Inc \$358,690

b. Intergovernmental Agreement

1) Accessory Items for Backflow Devices
Requested by Utility Services
Ferguson Enterprises, Inc. \$62,254

2) Chemicals & Fertilizers
Requested by Utility Services
Recreation Services
Agro Distribution d/b/a Pro Source One,
Carso, Inc., DWS Distributors, Diamond R
Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer,
Helena Chemical Co., Lesco, Inc., Pennington
Seed, Inc., Regal Chemical Company,
Southeastern Turf Grass Supply Inc., UAP
Distribution, Inc., Univar USA, \$297,874

c. Resolution No. 5-2007

A resolution of the City of Boca Raton ratifying the application for a grant from the United States Tennis Association for the purpose of an ongoing junior wheelchair tennis program; authorizing the City Manager to accept 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

d. Resolution No. 7-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Program for the purchase of Automated External Defibrillators; 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. 8-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute the First Amendment to an Agreement with the State of Florida, Department of Environmental Protection for the purpose of extending the current contract; providing funding for the El Rio Shared Use Trail, providing for severability; providing for repealer; providing an effective date

f. Resolution No. 9-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for the purchase of equipment, printing services and supplies to continue the coordination and development of the City of Boca Raton Citizen Corps Program; authorizing the acceptance of 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. 10-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for the purchase of equipment, supplies, and printing of materials for the City of Boca Raton Community Emergency Response Team (CERT); authorizing the acceptance of 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. 11-2007

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; providing for severability; providing for repealer; and providing an effective date

i. Resolution No. 12-2007

A resolution of the City of Boca Raton authorizing the City Manager to submit four applications to the State of Florida, Department of Community Affairs for the Emergency Management Preparedness and Assistance Trust Fund Grant Program for the purpose of hardening the Utility Services Departmental Operations Center, to purchase five fixed or dedicated generators to power critical pumps, to purchase a fixed or dedicated generator for the Fire Rescue Support Building, and to purchase consulting services for a comprehensive emergency management plan; 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

j. Receive and File Board Minutes – February 13, 2007

- 1) Community Appearance Board
December 19, 2006
January 9, 2007
January 16, 2007

- 2) Community Relations Board
November 20, 2006
- 3) Education Advisory Board
December 18, 2006
- 4) Elder Affairs Advisory Board
December 6, 2006
- 5) General Employees' Pension Board
November 9, 2006 (Regular Meeting)
December 6, 2006 (Joint Adm. Comm. With Police & Firefighters' Pension Board)
December 14, 2006 (Investment Committee)
December 14, 2006 (Regular Meeting)
- 6) Historic Preservation Board
December 19, 2006
- 7) Marine Advisory Board
December 6, 2006
- 8) Physically and Mentally Challenged Board
December 7, 2006
- 9) Planning and Zoning Board
November 16, 2006
December 7, 2006
- 10) Police and Firefighters' Pension Board
November 8, 2006 (Investment Committee)
November 16, 2006 (Regular Meeting)
December 21, 2006 (Administrative Committee)
December 21, 2006 (Regular Meeting)
- 11) Zoning Board
December 14, 2006

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:

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4970

An ordinance of the City of Boca Raton amending the Fiscal Year 2006-2007 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 4971

An ordinance of the City of Boca Raton allowing the assignment of required residential parking spaces; providing for severability; providing for repealer; providing for codification; 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.)

6. Ordinance No. 4962

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.607 acres, more or less, located at 8300 Congress Avenue as more specifically described herein, from Manufacturing Industrial (IM) to Commercial (C); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/SC)

7. Ordinance No. 4963

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 1.607 acres, more or less, located at 8300 Congress Avenue, as described more particularly herein, from Manufacturing and Industrial to Motel-Business; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/ZC)

8. Ordinance No. 4972

An ordinance of the City of Boca Raton related to commercial solid waste collection services amending Chapter 14, Code of Ordinances; providing for definitions, non-exclusive franchises for commercial solid waste collection services, regulations and requirements for commercial solid waste collection services franchises, rates and fees for said franchises; amending Sections 2-92 and 2-113, Code of Ordinances, to provide that violations of said provisions shall be within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 4973

An ordinance of the City of Boca Raton repealing Section 19-101, Code of Ordinances, Alternative Permitting Process; 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:

10. 2006 Board & Commission Member Attendance Report

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.