

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 25, 2008 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 February 25, 2008
Minutes of the Regular Meeting of February 26, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Woodfield Cancer Research Unit Weekend – April 5 & 6, 2008

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:

- a. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies.
- b. Code Enforcement Board – one (1) vacancy.
- c. Elder Affairs Advisory Board – one (1) vacancy.
- d. General Employees' Pension Board – one (1) vacancy.
- e. Pearl City Blue Ribbon Committee – one (1) vacancy.
- f. Planning and Zoning Board – two (2) vacancies.
- g. Police & Firefighters' Pension Board – two (2) vacancies.
- h. Zoning Board of Adjustment – two (2) vacancies.

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

- 1) Boca Raton Inlet North Jetty Reconstruction
Requested by Municipal Services
The Vance Construction Co. \$974,750
- 2) Ground Storage Tank Cleaning and Inspection Services
Requested by Utility Services
Crom Engineering and Construction Service \$83,000
- 3) Emergency Standby Generator (New)
Requested by Fire Rescue Services
Palm Beach Generator, Inc. \$74,333

b. Intergovernmental Agreement

- 1) Fire Hydrant Audit
Requested by Utility Services
Metro Hydrant and Valve Services, Inc. \$92,000
- 2) Bi-Directional Tractors (Replacements)
Requested by Municipal Services
Sunrise Tractor and Equipment Inc. \$159,240

- c. Competitive Sealed Proposal - Renewal
- 1) Property Insurance - Renewal
Requested by Financial Services
Beacon Group, Inc. \$1,342,424
- d. Resolution No. 33-2008
- A resolution of the City of Boca Raton relating to the levy of special assessments for the construction of a wastewater collection system and other improvements in an area generally known as Hidden Valley, as more particularly described herein; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for notice to all affected property owners; providing for severability; providing for repealer; providing an effective date
- e. Resolution No. 34-2008
- A resolution of the City of Boca Raton approving and accepting a Quit Claim Deed from U.S. Epperson Underwriting Company, over certain lands located at the southwest corner of Butts Road and Military Trail; providing for severability; providing for repealer; providing an effective date
- f. Resolution No. 35-2008
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with LBFH, Inc. for the purpose of extending the term, amending certain provisions thereof, and assigning the terms, conditions and approved work orders pursuant to the agreement with LBFH, Inc. to Boyle Engineering Corporation, its successors by merger; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 38-2008
- A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation Safety Office for the Highway Safety Grant 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
- h. Resolution No. 39-2008
- A resolution of the City of Boca Raton authorizing a waiver of procurement procedures, authorizing the Mayor and City Clerk to execute an agreement for consulting services with Urban Design Associates, P.C., for the purpose of developing an approach for downtown design guidelines; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 40-2008
- A resolution of the City of Boca Raton authorizing Work Order Number One, with Urban Design Associates, P.C., for the purpose of providing professional planning services in the downtown, including urban design review on a cost recovery basis; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 41-2008

A resolution of the City of Boca Raton authorizing Work Order Number Two, with Urban Design Associates, P.C., for the purpose of developing an approach for downtown design guidelines; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Orders

- 1) BBAA Case No. 07-8917
- 2) BBAA Case No. 07-9672

l. Board Resignations

- 1) Resignation of Elizabeth Alpert from the Boca Raton Housing Authority

m. Receive and File Election Certification

- 1) March 11, 2008 Regular Election
 - a) Certification of the election of Susan Whelchel (Mayor), Susan Haynie (Council Seat A) and Peter Baronoff (Council Seat B)

n. Receive and File Board Minutes – March 25, 2008

- 1) Builders' Board of Adjustment and Appeals
January 14, 2008
- 2) Community Appearance Board
January 22, 2008
January 29, 2008
February 5, 2008
February 12, 2008
February 19, 2008
- 3) Elder Affairs Advisory Board
January 2, 2008
- 4) Executive Employees' Retirement Plan Board of Trustees
December 5, 2007
December 12, 2007
- 5) Financial Advisory Board
January 28, 2008
- 6) General Employees' Pension Board
December 3, 2007
January 10, 2008
- 7) North Federal Highway Steering Committee
August 7, 2007
October 2, 2007
- 8) Pearl City Blue Ribbon
November 15, 2007
January 17, 2008

- 9) People with Disabilities
February 7, 2008
- 10) Planning & Zoning
January 3, 2008
January 17, 2008
February 7, 2008
- 11) Police and Firefighters' Pension Board
November 29, 2007
December 20, 2007
January 4, 2008 (Special Meeting)
January 4, 2008 (Joint Adm. Committee with Gen. Employees' Pension Bd.)
January 24, 2008 (Investment Committee)
January 24, 2008
- 12) Special Master
September 26, 2007
November 28, 2007

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:

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

4. Resolution No. 36-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim with Lea Louis (GL04-0013-MS); providing for severability; providing for repealer; providing an effective date

5. Resolution No. 37-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim with William Schmalz (PP04-0001-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.)

6. Ordinance No. 5030

An ordinance of the City of Boca Raton relating to local business taxes and business regulations; amending various sections of the Code of Ordinances; changing the term “local occupational license tax” to “local business tax” to be consistent with Chapter 205, Florida Statutes; creating Article III of Chapter 8, to recodify and clarify the continued applicability of existing business regulations; repealing Article VI of Chapter 8, Code of Ordinances, relating to cable television; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 5031

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute non-exclusive Construction and Demolition Debris Roll-off Container Service Franchise Agreement with J & A Waste, Corp., pursuant to Chapter 14, Code of Ordinances; 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:

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

CITY ATTORNEY REPORTS:

8. Request for Authorization to Conduct an Executive Session in Connection with the Following Case: Boca Raton Mausoleum, Inc., vs. City of Boca Raton.

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.