

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 25, 2006 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 April 10, 2006
Minutes of the Regular Meeting of April 11, 2006

PROCLAMATIONS/RECOGNITIONS/AWARDS:

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 - Renewals

- | | | |
|----|---|-----------|
| 1) | Solar Salt - Renewal
Requested by Utility Services
Morton Salt | \$165,000 |
| 2) | Wastewater Sludge Polymer - Renewal
Requested by Utility Services
Stockhausen, Inc. | \$253,600 |
| 3) | Water Treatment Plant Color Reduction
Chemical - Renewal
Requested by Utility Services
Stockhausen, Inc. | \$40,500 |

b. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Electrical Supplies
Requested by Utility Services
Graybar Electric Company | \$43,894 |
| 2) | Front End Loaders
(1 New and 1 Replacement)
Requested by Municipal Services
Briggs Equipment | \$220,470 |
| 3) | Sodium Hypochlorite
Requested by Utility Services
Allied Universal Corporation | \$142,000 |

c. Emergency – Hurricane Wilma (Phase VI)

- | | | |
|----|---|----------|
| 1) | Red Reef Park Boardwalk Repairs
Requested by Recreation Services
B.K. Marine Construction, Inc. | \$50,575 |
|----|---|----------|

d. Resolution No. 57-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Terry Cohen, M.D., for the provision of professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 58-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boys & Girls Clubs of Palm Beach County, Inc., for the purpose of assisting with the operating costs of after-school and summer camp programs; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 59-2006

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 the operating costs of the Children Achieving Their Success ("CATS") Program; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 60-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Easement Deed for right of way purposes to Lake Worth Drainage District over certain lands located within a portion of Section 12 and Section 13, Township 47 South Range 42 East; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 61-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease with Florida East Coast Railway, L.L.C. for certain railway right of way areas for turn lane, parking, sidewalk and beautification; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 62-2006

A resolution of the City of Boca Raton authorizing the City Manager to write off water and sewer system bad debts for Fiscal Years 1997 through 2003; providing for severability; providing for repealer; providing an effective date

j. Board Resignation

- 1) Resignation of Sarah A. Bialy from the Elder Affairs Advisory Board

k. Receive and File Board Minutes – April 25, 2006

- 1) Elder Affairs Advisory Board
March 22, 2006 (Organizational Meeting)
- 2) Financial Advisory Board
February 21, 2006

- 3) Historic Preservation Board
February 21, 2006
March 6, 2006 (Workshop)
- 4) Library Advisory Board
February 15, 2006
- 5) Marine Advisory Board
March 1, 2006
March 29, 2006 (Tour of Waterways)
- 6) Planning and Zoning Board
March 16, 2006
- 7) Telecommunications Advisory Board
February 6, 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:

4. Resolution No. 54-2006

A resolution of the City of Boca Raton granting conditional use approval for the Smith and DeShields warehouse and showroom building on a parcel of land located at 181 N.W. 20th Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-05-08)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4922

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System; amending Section 12-154, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4925

An ordinance of the City of Boca Raton amending the Code of Ordinances, relating to the Executive Employees' Retirement Plan; amending Sections 12-160 and 12-162, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 4926

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan; amending Section 12-84, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 4934 *(First of two required public hearings – no vote will be taken.)*

An ordinance of the City of Boca Raton requiring City Council approval to convert hotel and motel rooms, within hotels/motels that do not qualify as a permitted use, to residential dwelling units; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 4936

An ordinance of the City of Boca Raton providing for the vacation and abandonment of the unimproved portion of Banyan Trail located south of N.W. Spanish River Boulevard and east of North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-03)

10. Ordinance No. 4937

An ordinance of the City of Boca Raton granting to Florida Power and Light Company, its successors and assigns, an electric franchise; imposing provisions and conditions relating thereto; providing monthly payments to the City of Boca Raton; providing for repealer; providing an effective date

11. Ordinance No. 4938

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to utilities by amending Chapter 17 removing all references to user fees and placing them in the Boca Raton Municipal Facilities and Services User Fee Schedule, revising meter access provisions, revising delinquent notice mailing requirements, revising property lien priority, revising owner obligations and deleting the exception for firelines and sprinklers as cross connections; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 55-2006

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to water and sewer 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:

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.