

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MARCH 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 February 26, 2007
Minutes of the Regular Meeting of February 27, 2007

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:

- a. Citizens' Pedestrian & Bikeway Advisory Board – two vacancies
- b. Elder Affairs Advisory Board – one vacancy
- c. Marine Advisory Board – three vacancies (recreational boater, environmentalist, and professional engineer with experience in marine and coastal matters)
- d. Pearl City Blue Ribbon Committee – two vacancies (at-large vacancy and vacancy for resident of Dixie Manor, Pearl City or Lincoln Court)

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) Printing and distribution of the Recreator
Requested by Recreation Services
D & N Printing Company LLC d/b/a
Triple Crown Printing. \$51,794

b. Intergovernmental Agreement

- 1) Trailer Mounted Generators (New)
Requested by Utility Services
Standby Systems Inc. \$353,172
- 2) Garbage Trucks (Replacement)
Requested by Municipal Services
Nextran Truck Center \$934,099

c. Resolution No. 22-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to request the Florida Department of Transportation ("FDOT") to lease temporarily surplus property to the City of Boca Raton ("City") to be utilized for the purpose of constructing a bike path and associated amenities on such property being identified in the legal description and sketch attached to this resolution labeled as Exhibit "A"; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 23-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an interlocal agreement with the Florida Atlantic University Board of Trustees for the purpose of providing medical simulation training; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 24-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the renewal of the Law Enforcement Against Child Harm (LEACH) Memorandum of Understanding with the Broward County Sheriff's Office for the purpose of combating the criminal exploitation of children that is committed and/or facilitated by or through the use of computers; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 27-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for sale and purchase with Valley Executive Associates, L.L.C., for the acquisition of real property in connection with the realignment of Dixie Highway at Hidden Valley Blvd; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 28-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revision to the termination date of the previously approved Mutual Aid Agreement with the Miami-Dade Police Department for the purpose of providing shared law enforcement assistance; providing for severability; providing for repealer; providing an effective date

h. Receive and File – Employee Election Certification

- 1) Certification of the re-election of Barbara Smith and the election of Gail Medina to the General Employees' Pension Board for terms expiring March 29, 2010.
- 2) Certification of the re-election of James Muro (firefighter) to the Police and Firefighters' Retirement System for a term expiring March 29, 2009.
- 3) Certification of the re-election of Leigh Sommer (police officer) to the Police and Firefighters' Retirement System for a term expiring March 29, 2009.

i. Receive and File Board Minutes – March 13, 2007

- 1) Citizen's Pedestrian and Bikeway Advisory Board
December 11, 2006
- 2) Community Appearance Board
February 13, 2007
February 20, 2007
- 3) Elder Affairs Advisory Board
January 3, 2007
- 4) General Employees' Pension Board
January 11, 2007
- 5) Historic Preservation Board
January 5, 2007 (Workshop)
January 16, 2007
- 6) Marine Advisory Board
January 3, 2007

- 7) Pearl City Blue Ribbon Committee
January 25, 2007
- 8) Police and Firefighters' Pension Board
January 25, 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:

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.)

4. Ordinance No. 4974

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Lake Maintenance Easement and a Lake Access Easement, located at 1601 Clint Moore Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-03)

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/REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

5. Resolution No. 21-2007

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96 (b)(1), Code of Ordinances, to reface an existing four (4) tenant sign and allow for the placement of an eight (8) tenant freestanding sign identifying the occupancy located at 1515 S. Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-06-03)

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.