

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 22, 2008 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of April 7, 2008
Minutes of the Regular Meeting of April 8, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Water Conservation Month {April 2008} / Drinking Water Week {May 4 through May 10, 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:

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) | IBM Server Maintenance
Requested by City Manager
Mid Range Support & Service, Inc. | \$191,480 |
| 2) | Pearl City – Phase III Glades Road Improvements
Dixie Highway to Federal Highway
McCabe Brothers Construction, Inc. | \$359,135 |

b. Intergovernmental Agreements

- | | | |
|----|--|-----------|
| 1) | Heavy Duty Trucks (Replacements)
Requested by Municipal Services,
Recreation Services, Utility Services
Atlantic Truck Center | \$231,634 |
| 2) | Trash Truck (Replacement)
Requested by Municipal Services
Sterling Western Star Trucks of Tampa | \$210,884 |

c. Sole Source

- | | | |
|----|---|-----------|
| 1) | Facility Maintenance and Fleet Maintenance Software
Requested by Municipal Services
Sungard Public Sector, Inc. | \$158,540 |
|----|---|-----------|

d. Resolution No. 47-2008

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

e. Resolution No. 48-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement 02PB1, with the Florida Department of Environmental Protection, extending the contract agreement one year, as it relates to the Central Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 49-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement 03PB1, with the Florida Department of Environmental Protection, for the purpose of increasing reimbursement funding related to the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 50-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Mathews Consulting, Inc. for the purpose of providing construction observation services for the Hidden Valley Water and Wastewater Infrastructure Improvements Project; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 51-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Camp Dresser & McKee Inc. for the purpose of providing consulting services for the Glades Road Water Treatment Plant (WTP) SCADA system study project; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 52-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Bulletproof Vest Partnership Grant Program; 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. Resolution No. 53-2008

A resolution of the City of Boca Raton canceling the second workshop and regular meetings in June 2008, the first workshop and regular meetings in July 2008, and the first workshop and regular meetings in August 2008; providing for severability; providing for repealer; providing an effective date

k. Board Resignations

1) Resignation of Steven E. Wallace from the Pearl City Blue Ribbon Committee

l. Receive and File Board Orders

1) Zoning Board of Adjustment Resolution No. BA-08-01
2) Zoning Board of Adjustment Resolution No. BA-07-09

m. Receive and File Board Minutes – April 22, 2008

- 1) Community Appearance Board
March 4, 2008
March 11, 2008
March 18, 2008
- 2) Community Relations Board
February 11, 2008
- 3) Downtown Boca Raton Advisory Committee
January 16, 2008
- 4) General Employees' Pension Board
February 20, 2008
March 13, 2008
- 5) Historic Preservation Board
December 18, 2007
- 6) Library Advisory Board
January 16, 2008
- 7) Marine Advisory Board
March 5, 2008
- 8) Pearl City Blue Ribbon Committee
February 28, 2008
- 9) People With Disabilities
March 6, 2008
- 10) Planning and Zoning Board
March 6, 2008
- 11) Police and Firefighters' Pension Board
November 29, 2007 (Disability Review Committee)
February 20, 2008 (Joint Administrative Committee with General Employees)
February 28, 2008 (Special Meeting)
February 28, 2008 (Regular Meeting)
March 17, 2008 (Joint Administrative Committee with General Employees)

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.)

4. Resolution No. 45-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Saint Andrew's School Plat No. 3, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (UC-07-01/SUB)

(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:

5. Ordinance No. 5033

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Public Utility Easement, located at 6600 North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-01)

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 HEARING – REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

(If you are planning to speak during the following public hearing, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of this hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

6. Resolution No. 46-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to permit an additional freestanding sign located less than 250 feet in distance from an existing freestanding sign, for T. Rowe Price Associates, Inc., located at 925 South Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-07-03)

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

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.