

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 11, 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 Goal Setting Meeting of April 26 & 27, 2007
Minutes of the Regular Workshop Meeting of November 26, 2007
Minutes of the Regular Meeting of November 27, 2007

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Check Presentation – Police Athletic League
Proclamation – Florida Atlantic University Fighting Owls Football Team

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. Boca Raton Advisory Board for People with Disabilities – one (1) vacancy.
- b. Citizens' Pedestrian and Bikeway Advisory Board – five (5) vacancies.
- c. Elder Affairs Advisory Board – one (1) vacancy.
- d. Pearl City Blue Ribbon Committee – one (1) vacancy.

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. Intergovernmental Agreement

- 1) Rehabilitation of Lift Station #72 and #155
Requested by Utility Services
TLC Diversified, Inc. \$118,636

b. Change Order

- 1) Property Insurance
Requested by Financial Services
Beacon Group, Inc. \$108,641

c. Resolution No. 139-2007

A resolution of the City of Boca Raton canceling and rescheduling certain workshop and regular meetings in 2008, as described more particularly herein; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 140-2007

A resolution of the City of Boca Raton approving and accepting a Right Of Way Warranty Deed from Boca Riverwalk, LLC over certain lands located at 7887 N. Federal Highway; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 141-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Robert C. Impaglia for the purpose of engaging the services of a golf professional; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 143-2007

A resolution of the City of Boca Raton approving the City's Year 2008 Federal Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 142-2007

A resolution of the City of Boca Raton approving the City's Year 2008 State Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 144-2007

A resolution of the City of Boca Raton approving and accepting a Public Utility Easement Deed from the Boca Raton Community Redevelopment Agency, over certain lands located at the South Civic Site in Mizner Park; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 145-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the renewal of the Interlocal Agreement between the Cities of Boca Raton, Delray Beach, Boynton Beach, and Palm Beach County for the purpose of allowing access to the communications systems owned by Palm Beach County, including the Motorola Smartzone Controller; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 146-2007

A resolution of the City of Boca Raton approving, accepting, and authorizing payment for a Quit Claim Deed for certain property generally located north and west of Butts Road; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 147-2007

A resolution of the City of Boca Raton requiring that the members of the Boca Raton Housing Authority file an annual statement of financial disclosure pursuant to Section 112.3145, Florida Statutes; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 150-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the design of an off-site reclaimed water storage and pumping facility; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 151-2007

A resolution of the City of Boca Raton approving various technical revisions to the Local Housing Assistance Plan for Fiscal Years 2007-10; authorizing the Mayor and City Manager to execute any required documents and certifications related to the revised Local Housing Assistance Plan; authorizing the City Manager or designee to approve expenditures of funds in accordance with the Local Housing Assistance Plan; authorizing the Community Improvement Administrator to submit the revised Local Housing Assistance Plan to the Florida Housing Finance Corporation; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 153-2007

A resolution of the City of Boca Raton establishing a money purchase retirement plan (also known as a Defined Contribution Retirement Plan) for General Employees; authorizing the City Manager to execute agreements with ICMA Retirement Corporation; providing for severability; providing for repealer; providing an effective date

o. Board Resignations

- 1) Resignation of Gregory J. Bentley from the Code Enforcement Board

p. Receive and File Board Orders

Special Master

- 1) SM(C) 05-878
- 2) SM(C) 07-00000980
- 3) SM(G) 07-3980
- 4) SM(C) 07-00004248
- 5) SM(G) 07-4440
- 6) SM(C) 07-00004618
- 7) SM(C) 07-00004837
- 8) SM(C) 07-00004903
- 9) SM(C) 07-00005188

q. Receive and File Board Minutes – December 11, 2007

- 1) Community Appearance Board
October 30, 2007
November 6, 2007
- 2) Community Relations Board
October 15, 2007
- 3) Financial Advisory Board
September 17, 2007
- 4) General Employees' Pension Board
September 17, 2007 (Joint Administrative Committee Mtg with P&FF Pension Bd)
September 20, 2007
October 11, 2007
October 31, 2007 (Investment Committee Mtg)
- 5) Parks and Recreation Board
October 2, 2007
- 6) Police & Firefighters' Pension Board
September 27, 2007
- 7) Special Master
October 10, 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:

(The public hearings on Items 4 through 12 will be conducted contemporaneously, as the petitions are related.)

4. Ordinance No. 4987 *(Revised 12/5/07.) (Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date [UC-06-04/SC(3)]

5. Ordinance No. 4988

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreational (REC) to Multifamily Residential (R3); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date [UC-06-04/ZC(3)]

6. Ordinance No. 4989 *(Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.094 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential High (RH); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date [UC-06-04/SC(2)]

7. Ordinance No. 4990

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 3.094 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreational (REC) to Multifamily Residential (R4); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date [UC-06-04/ZC(2)]

8. Ordinance No. 4991 *(Revised 12/5/07.) (Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Transportation Element of the Comprehensive Plan to implement interim concurrency measures for constrained roadways; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-07-01)

a. Resolution No. 152-2007

A resolution of the City of Boca Raton approving and accepting a mitigation agreement between the City and MCZ/Centrum Florida V Owner, L.L.C.; authorizing the City Manager to execute said mitigation agreement; providing for severability; providing for repealer; providing an effective date

9. Resolution No. 90-2007

A resolution of the City of Boca Raton granting conditional use approval for the Ocean Breeze Clubhouse, Boca Teeca Social Center and nine (9) hole executive golf course on a parcel of land located at 5800 Northwest 2nd Avenue; providing for severability; providing for repealer; providing an effective date [UC-06-04/CA(1)]

10. Resolution No. 91-2007

A resolution of the City of Boca Raton granting conditional use approval for the Inn at Ocean Breeze on a parcel of land located at 5800 Northwest 2nd Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date [UC-06-04/CA(2)]

11. Resolution No. 92-2007

A resolution of the City of Boca Raton granting a planned unit development with a master plan approval of the proposed Ocean Breeze Planned Unit Development, subject to conditions providing for severability; providing for repealer; providing an effective date (UC-06-04/PUD)

12. Resolution No. 93-2007

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Ocean Breeze Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-06-04/SUB)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

13. Ordinance No. 4992 *(Revised 12/11/07. Second of two required public hearings.)
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program; providing for severability; providing for repealer; providing an effective date (SC-06-05)

14. Ordinance No. 5015

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an anchor easement and a utility easement located at 300-316 and 360-382 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-05)

15. Ordinance No. 5016

An ordinance of the City of Boca Raton amending Chapter 23, Article VII, Code of Ordinances, relating to Parks and Recreation Impact Fees; amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to Parks and Recreation Impact Fees; finding that notification has been given for the modification of the Parks and Recreation Impact Fee; providing for severability; providing for repealer; providing for codification; providing an effective date

16. Ordinance No. 5017

An ordinance of the City of Boca Raton relating to the General Employees' Pension Plan; providing for a lump sum payment to certain retired or disabled general employees; providing for severability; providing for repealer; providing an effective date

17. Ordinance No. 5018

An ordinance of the City of Boca Raton amending the personnel rules and regulations of the City; providing for severability; providing for repealer; providing an effective date

18. Ordinance No. 5020

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan; amending Section 12-81, Code of Ordinances, definitions; revising the definition of "continuous service", "earnings" and "plan"; amending Section 12-84, Code of Ordinances, relating to retirement benefits, creating a new Option C for employees hired on or after November 1, 2007, revising the benefit for members of Option A and B who retire on or after October 1, 2007, and providing for transfer within the plan; amending Section 12-86, Code of Ordinances, revising the member contributions; amending Section 12-96, Code of Ordinances, relating to vested rights on transfer; creating a new Section 12-106, Code of Ordinances, providing a one time, irrevocable election to participate in another City retirement plan; providing for severability; providing for repealer; providing for codification; providing an effective date

19. Ordinance No. 5021

An ordinance of the City of Boca Raton amending certain sections of the Code of Ordinances relating to the Executive Employees' Retirement Plan; providing for severability; providing for repealer; providing for codification; providing an effective date

20. Ordinance No. 5019

An ordinance of the City of Boca Raton establishing registration requirements, procedures and definitions relating to lobbying and lobbyists; providing for severability; providing for repealer; providing for codification; and providing an effective date

21. Resolution No. 138-2007

A resolution of the City of Boca Raton amending rates of fare for taxicabs; adopting a maximum fee schedule; 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.)

22. Ordinance No. 5022

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 11, 2008 regular election; providing for severability; providing for repealer; providing an effective date

23. Ordinance No. 5023

An ordinance of the City of Boca Raton approving an Amended and Restated Memorandum of Agreement with the Boca Raton Airport Authority; establishing conditional uses for non-aviation land at the Boca Raton Airport; 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:

24. Request for Use of City Seal – Citizens' Crime Watch

25. Resolution No. 148-2007

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Leif J. Ahnell, the City Manager; providing for severability; providing for repealer; providing an effective date

CITY ATTORNEY REPORTS:

26. Resolution No. 149-2007

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Diana Grub Frieser, the City Attorney; providing for severability; providing for repealer; providing an effective date

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.