

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 28, 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 Special Meeting of April 21, 2008 (Walking Tour – Mizner Park)
Minutes of the Goal Setting Sessions of May 1 and May 2, 2008
Minutes of the Regular Workshop Meeting of May 12, 2008
Minutes of the Regular Meeting of May 13, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Recognition of Teachers of the Year for 2008 – Education Advisory Board

PRESENTATION:

Senator Ted Deutsch – 2008 Legislative Session Update

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) Advance Traffic Management System Implementation:
Video Detection System Expansion
Requested by Municipal Services
The Signal Group, Inc. \$438,205

b. Change Order

1) Advance Traffic Management System Implementation:
CCTV Expansion
Requested by Municipal Services
Precision Contracting Services, Inc. \$111,300

c. Resolution No. 68-2008

A resolution of the City of Boca Raton approving the nomination of Michael Righetti, Land Development Coordinator, to serve as the representative for the City of Boca Raton on the Metropolitan Planning Organization, Technical Advisory Committee (MPO-TAC); providing for severability; providing for repealer; providing an effective date

d. Resolution No. 69-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to the Joint Participation Agreement with the State of Florida Department of Transportation for the purpose of incorporating Federal and State requirements; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 71-2008

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of May 1 and 2, 2008, and the 2008-2009 Strategic Plan (including Action Plans for 2008-2009); providing for severability; providing for repealer; providing an effective date

f. Resolution No. 72-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Public Safety, Division of Emergency Management, Office of Emergency Medical Services, for the purchase of medical/rescue cardiac equipment for the Fire Rescue Services Department; 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

g. Resolution No. 73-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Ultimate Catering, LLC for the purpose of providing concession services to the City of Boca Raton Spanish River Library and Community Center; providing for severability; providing for repealer; providing an effective date

h. Resolution No.74-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation pursuant to the Public Transit Service Development 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

i. Receive and File Board Minutes – May 28, 2008

- 1) Community Appearance Board
April 22, 2008
- 2) Education Advisory Board
February 25, 2008
- 3) Executive Employees' Retirement Board
February 27, 2008
- 4) Library Advisory Board
February 20, 2008
- 5) Marine Advisory Board
April 2, 2008
- 6) Parks and Recreation Board
April 3, 2008
- 7) People With Disabilities
April 3, 2008
- 8) Special Master
March 12, 2008
- 9) Zoning Board of Adjustment
March 13, 2008

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. 67-2008

A resolution of the City of Boca Raton considering a request to amend and restate the existing Conditional Use Approval for Pine Crest School on a parcel of land located at 2700 St. Andrews Boulevard; providing for severability; providing for repealer; (including the repeal of Resolution Nos. 174-94, 212-98, 153-99 and 66-2003); providing an effective date (CA-07-17)

5. Resolution No. 65-2008

A resolution of the City of Boca Raton considering a request for Conditional Use Approval for an additional use at the Fifth Avenue Shops, specifically a 2,133 square foot restaurant and incorporating previously approved Conditional Use Approvals (CA-85-28, CA-85-28R1, CA-87-05, and CA-06-05), all on a parcel of land located at 1944 NE 5th Avenue; providing for severability; providing for repealer; providing an effective date (CA-07-14)

6. Resolution No. 66-2008

A resolution of the City of Boca Raton considering the request of Lennar Homes LLC, for extension to Building Permit Numbers 05-3710, 05-3714, 05-5406 and 05-6505 located in the Lennar Central Park Townhome Project located at 822 N.W. 82nd Lane; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

7. Ordinance No. 5035

An ordinance of the City of Boca Raton amending Sections 16-31 and 16-33 of the Boca Raton Code of Ordinances to provide for parking enforcement in City, County and State parking facilities located within the City of Boca Raton; providing for severability; providing for repealer; providing for codification; providing an effective date

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

8. Resolution No. 70-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim for Louise Crutchley (GL05-OO16-MS) for \$85,000; 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.)

9. Ordinance No. 5036

An ordinance of the City of Boca Raton amending Sections 21-2, Definitions and 21-57, Specific Construction and Improvements Standards, Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-01)

10. Ordinance No. 5037

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of unimproved right-of-way for N.W. 6th Avenue adjacent to 7598 N.W. 6th Avenue, as more specifically described herein; approving and accepting a utility easement deed, an access easement deed and right-of-way warranty deeds from USF Propoco I, LLC, over certain lands located at 7598 N.W. 6th Avenue; approving appropriate real property instruments to establish a bicycle and pedestrian path; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-07-02)

11. Ordinance No. 5038

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the second quarterly budget amendment; providing for severability; providing for repealer; providing an effective date

12. Ordinance No. 5039

An ordinance of the City of Boca Raton amending Chapter 23 of the City Code of Ordinances; creating Division 2 (Housing) of Article IV, Chapter 23, Code of Ordinances, pursuant to Chapter 420, Florida Statutes, pertaining to the State Housing Initiatives Partnership (SHIP) Program; providing for severability; providing for repealer; providing for codification; 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:

(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 public hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

13. Resolution No. 55-2008

A resolution of the City of Boca Raton considering an appeal of the decision of the Planning and Zoning Board (Resolution No. 08-05) denying a site plan amendment with conditions and a technical deviation to the previously approved site plan (Resolution No. 06-11) for Boca Colonnade Phase II located at 777 Yamato Road and 750 Park of Commerce Boulevard; providing for severability; providing for repealer; providing an effective date (SPA-05-26R1)

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.