

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 12, 2008 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 January 22, 2008  
Minutes of the Regular Meeting of January 23, 2008

## PROCLAMATIONS/RECOGNITIONS/AWARDS:

- a) Recognition of Heroic Act - Dr. Terry Cohen
- b) Recognition of Heroic Act - Mr. Andy Henderson

### **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 31<sup>st</sup> 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. Intergovernmental Agreements

- |    |   |          |
|----|---|----------|
| 1) | Sodium Hydroxide<br>Requested by Utility Services<br>Allied Universal Corp. | \$63,600 |
| 2) | Coagulant Aid<br>Requested by Utility Services<br>Tropichem Enterprises     | \$50,700 |

b. Resolution No. 9-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Project Agreement with Kaufman Lynn, Inc. General Contractors for the purpose of providing pre-construction services for the Downtown Library; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 10-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Project Agreement with Kaufman Lynn, Inc. General Contractors for the purpose of providing pre-construction services for Fire Station #5; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 11-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Bermello Ajamil & Partners, Inc. for the purpose of providing architectural design and construction administration services of the new Downtown Library; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 12-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 29 with Robert G. Currie Partnership, Inc. for the purpose of providing architectural, engineering and construction administration services for Fire Station #5; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 17-2008

A resolution of the City of Boca Raton urging the governor and the members of the Florida Legislature to support certain issues during the 2008 Legislative Session; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 18-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County for the purpose of providing funding for equipment for the City's Governmental Television Channel; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 19-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Agreement with the Florida Department of Corrections, Region IV, Circuit 15, Community Corrections, for the purpose of improving the administration of criminal justice in Palm Beach County; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 20-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the interlocal agreement for law enforcement services between Palm Beach County Department of Environmental Resources Management and the City of Boca Raton for the purpose of an interlocal agreement to increase the law enforcement presence in the Palm Beach County's waterways to provide greater manatee protection; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 21-2008

A resolution of the City of Boca Raton accepting the Downtown Boca Raton Master Plan Update as a framework for an updated vision for Downtown Boca Raton; designating the Downtown Boca Raton Advisory Committee as the Downtown Master Plan Steering Committee; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 22-2008

A resolution of the City of Boca Raton terminating the Interlocal Agreement approved by Resolution No. 123-2002; authorizing the Mayor and City Clerk to execute a replacement Interlocal Agreement with Palm Beach County related to the use of Pondhawk Natural Area, establishing restrictions on the use of the property and providing for the City's right to repurchase the property under certain conditions; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 23-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Program for the purchase of Automated External Defibrillators; 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

m. Resolution No. 24-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Agreement between the City and the Fraternal Order of Police, Lodge 35; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 25-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Thomas G. Tomasello, P.A. for the purpose of providing professional legal services and amending certain terms thereof; providing for severability; providing for repealer; providing an effective date

o. Receive and File – Employee Election Certification

- 1) Election of John Reilly to the General Employees' Pension Board – term to expire on March 29, 2011
- 2) Election of Michael Barbera to the Police and Firefighters' Retirement System – term to expire on March 29, 2010
- 3) Election of Chris Somers to the Police and Firefighters' Retirement System – term to expire on March 29, 2010

p. Receive and File Board Orders

- 1) Special Master
  - a. SM(C) Case No. 06-2340
  - b. SM(C) Case No. 07-4903
  - c. SM(C) Case No. 07-00001521
  - d. SM(C) Case No. 07-00004536
  - e. SM(C) Case No. 07-00004021
  - f. SM(C) Case No. 07-00004808
  - g. SM(C) Case No. 07-00004868
  - h. SM(C) Case No. 07-5422
  - i. SM(C) Case No. 07-00005357
  - j. SM(C) Case No. 07-00005383
  - k. SM(C) Case No. 07-00005753
  - l. SM(C) Case No. 07-00005755

q. Receive and File Board Minutes – February 12, 2008

- 1) Builders' Board of Adjustment and Appeals  
May 30, 2006
- 2) Community Appearance Board  
December 4, 2007  
December 11, 2007  
December 18, 2007  
January 8, 2008
- 3) Community Relations Board  
December 17, 2007
- 4) North Federal Highway  
March 6, 2007

- 5) Planning and Zoning Board  
October 18, 2007
- 6) Telecommunications Advisory Board  
September 4, 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.)*

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*(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. 15-2008

A resolution of the City of Boca Raton considering Conditional Use Approval for the Bova Ristorante outside dining area on a parcel of land located at 1450 North Federal Highway, providing for severability; providing for repealer; providing an effective date (CA-06-11)

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

5. Ordinance No. 5024 *(Revised 12/18/07) (Continued from the Council meeting of 1/8/08)*

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters’ Retirement System by amending Section 12-132, “Optional Forms of Retirement Benefits”; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 5027

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of unimproved right-of-way for Juana Road, located adjacent to 2185 and 2198 Juana Road; providing conditions for vacation and abandonment; providing for severability; providing for repealer; and providing an effective date (AB-06-01)

7. Ordinance No. 5028

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the First Quarterly Budget Amendment; 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:**

**QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:**

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

8. Request for Use of the City Seal – Boca Raton Garden Club

**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.