

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 14, 2009 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Susan Haynie
Council Member Anthony Majhess
Council Member Michael Mullaugh
Council Member Constance Scott

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of March 23, 2009
Minutes of the Regular Meeting of March 24, 2009
Minutes of the Organizational Meeting of March 31, 2009

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation: City of Boca Raton Firefighter Appreciation Month - April 2009

Proclamation: Arbor Day - April 24, 2009

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:

- a. Boca Raton Advisory Board for People with Disabilities – five (5) vacancies.
- b. Environmental Advisory Board – two (2) vacancies.
- c. Financial Advisory Board – two (2) vacancies.
- d. North Federal Highway Steering 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 Agreements

- 1) Computer Desktops and Laptops - Replacements
Requested by City Manager
Hewlett Packard, Panasonic, c/o Synnex Corporation \$330,000
- 2) Sodium Hydroxide
Requested by Utility Services
Allied Universal Corp. \$101,896

b. Resolution No. 50-2009

A resolution of the City of Boca Raton authorizing the Mayor to execute the Fourth Amendment to Agreement 02PB1, with the Florida Department of Environmental Protection, for the purpose of reimbursable funding related to the Central Boca Raton Beach Restoration Project; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 51-2009

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 2009 COPS Hiring Recovery Program (CHRP); 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

d. Resolution No. 52-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Applied Technology and Management for the purpose of design services related to Red Reef Park dune overwalk rehabilitation; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 53-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Eckler Engineering, Inc. for the purpose of providing engineering services during the construction of the Reclaimed Water Production Facility expansion; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 54-2009

A resolution of the City of Boca Raton requesting the assistance of Governor Crist and Florida Department of Transportation Secretary Kopelousos to prioritize the Intercity Rail Component of the FEC Corridor Project (from Jacksonville to Miami) as part of the Federal economic stimulus package for the State of Florida; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 55-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Gehring Group for the purpose of consulting on the health benefit programs for City employees; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 56-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the first amendment to a Revocable License Agreement with the Boca Quay Homeowners' Association, Inc. for the purpose of placing landscaping and traffic islands in City right-of-way adjacent to Boca Quay; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 57-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Terry Cohen, M.D., for the purpose of providing professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 58-2009

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 2009 Recovery Act: Edward Byrne Memorial Competitive Grant Program; 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

k. Board Resignations

- 1) Resignation of Arnold M. Straus from the Financial Advisory Board

I. Receive and File Board Minutes – April 14, 2009

- 1) Builders' Board of Adjustment and Appeals
October 7, 2008
- 2) Citizen's Pedestrian and Bikeway Advisory Board
February 9, 2009
- 3) Community Appearance Board
February 17, 2009
February 24, 2009
March 3, 2009
March 10, 2009
March 17, 2009
- 4) Community Relations Board
February 9, 2009
- 5) Downtown Boca Raton Advisory Committee
February 4, 2009
- 6) Education Advisory Board
January 26, 2009
February 23, 2009
- 7) Financial Advisory Board
February 17, 2009
- 8) North Federal Highway Steering Committee
February 3, 2009
- 9) People With Disabilities Board
February 5, 2009
- 10) Special Master
January 14, 2009

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. Ordinance No. 5091 (Revised 3/20/09)

An ordinance of the City of Boca Raton approving modifications to the previously approved Universal Conditional Approval (Ordinance No. 5066), for construction of a 3,320 square foot bank facility with three (3) drive-up teller lanes and a drive-up ATM lane, located at 232 Yamato Road; providing for severability; providing for repealer; providing an effective date (UC-99-02R2)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 5077 (Second of two required public hearings.)

An ordinance of the City of Boca Raton amending the list of permitted uses and the criteria applicable to authorize professional office uses in the Light Industrial and Research Park Zoning District pursuant to Section 28-977(C); providing for severability; providing for repealer; providing for codification; 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.)

6. Ordinance No. 5092

An ordinance of the City of Boca Raton amending Rule 1.17 of Section 2-27, Code of Ordinances, to provide that a legally required public hearing regarding an ordinance shall not be held at the same City Council meeting at which the ordinance has been introduced; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 5093

An ordinance of the City of Boca Raton amending Chapter 4, Code of Ordinances, relating to the regulation of establishments serving alcoholic beverages; providing definitions, imposing security requirements and establishing restrictions on the presence of individuals under the age of 21; amending Chapter 2, Code of Ordinances, to provide that violations of Chapter 4 shall fall within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 5094

An ordinance of the City of Boca Raton relating to the review process for Individual Development Approvals within the Downtown Redevelopment Area; amending Section 2-135, Powers and Duties of the Community Appearance Board; amending Section 2-265, Powers and Duties of the Planning and Zoning Board; 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.)

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF HEARING OFFICER’S 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 hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

9. Resolution No. 34-2009

A resolution of the City of Boca Raton considering the appeal filed by Prestige Limousines, Inc., of the decision of the hearing officer to deny an application for a Certificate of Public Convenience and Necessity; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

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.