

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON APRIL 28, 2009 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

Presentation of the Colors by the Boca Raton High School Naval Junior ROTC Color Guard.

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 April 13, 2009
Minutes of the Regular Meeting of April 14, 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.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation recognizing April 2009 as Water Conservation Month and the week of May 3 through May 9, 2009 as Drinking Water Week and recognition of Water Conservation Poster Contest winners.

Proclamation recognizing the accomplishments of the Boca Raton High School Naval Junior ROTC

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)	Wastewater Treatment Plant Primary Digester No. 2 Repairs Requested by Utility Services TLC Diversified, Inc.	\$196,659
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b. Intergovernmental Agreements

1)	Turf Equipment (New and Replacement) Requested by Recreation Services Wesco Turf, Inc.	\$64,233
2)	Athletic Field Turf Renovation Requested by Recreation Services Odums Sod	\$69,620

c. Change Order

1)	Street Resurfacing Requested by Municipal Services Community Asphalt Corporation	\$90,919
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d. Resolution No. 59-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for grants from the Florida Division of Cultural Affairs for the State Touring Program; authorizing the acceptance of said grants, if awarded; authorizing the expenditure of matching funds for said grants, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 60-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Fireman's Fund Heritage Program for the purchase of carbon monoxide detectors; 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

f. Resolution No. 61-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Greenberg Traurig, P.A., for the purpose of providing bond counsel services; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 62-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Public Financial Management, Inc., for the purpose of providing financial advisory services; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 63-2009

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the Department of Homeland Security for the Buffer Zone Protection Plan; authorizing and directing the City Manager to comply with the terms and conditions of said grant, providing for severability; providing for repealer; providing an effective date

i. Resolution No. 64-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Local Agency Program (LAP) agreement with the Florida Department of Transportation for the purpose of construction of enhancements along SW 18th Street; providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Orders

- 1) Builders' Board of Adjustment & Appeals
 - a) BBAA Case No. 09-0641
- 2) Special Master
 - a) SM(C) Case No. 07-980
 - b) SM(C) Case No. 08-00004520
 - c) SM(C) Case No. 09-00000530

k. Receive and File Board Minutes – April 28, 2009

- 1) Civil Service Board Hearing
August 28, 2003
- 2) Community Appearance Board
March 24, 2009
March 31, 2009

- 3) Elder Affairs Advisory Board
March 4, 2009
- 4) Marine Advisory Board
March 4, 2009
- 5) Parks and Recreation Board
March 3, 2009
- 6) People With Disabilities Board
March 5, 2009
- 7) Special Master
March 11, 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:

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 5077 *(Revised 4/22/09)*
(Second of two required public hearings – continued from the 4/14/09 meeting.)

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

5. 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

6. 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

7. 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

8. Ordinance No. 5095 *(First of two required public hearings.)*

An ordinance of the City of Boca Raton repealing existing Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled "Telecommunications Towers and Facilities" and creating a new Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled "Wireless Telecommunications Facilities" relating to wireless telecommunications towers and antennas; 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.)

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:

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.