

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 12, 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 April 27, 2009  
Minutes of the Regular Meeting of April 28, 2009

## PROCLAMATIONS/RECOGNITIONS/AWARDS:

Introduction - Palm Beach County Commissioner Steven Abrams  
Recognition - Teachers of the Year for 2008 – Education Advisory Board  
Proclamation - National Boating Safety Week, May 16 through 22, 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 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:

- a. Airport Authority – two (2) vacancies; (1) resident residing west of I-95 and (1) resident residing east of I-95.
- b. Builders' Board of Adjustment & Appeals – one (1) vacancy for an architect.

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) Fire Support Training Facility Site Improvement  
Requested by Fire Rescue Services  
All-Rite Paving Contractors, Inc. \$239,842

b. Intergovernmental Agreement

- 1) Traffic Signal Installation at Dixie Highway and Hidden Valley Blvd.  
Requested by Municipal Services  
Signal Technology, Inc. \$302,790

c. Resolution No. 67-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Right of Way Warranty Deed, Embankment Easement, and Temporary Construction Easement to convey City owned property to Palm Beach County to allow roadway improvements to Boca Rio Road adjacent to Boca Raton Humane Society Animal Care Center and Pet Cemetery; providing for severability; providing for repealer; providing an effective date

d. Board Resignations

- 1) Resignation of C. Glen Ged from the North Federal Highway Steering Committee
- 2) Resignation of Nina Rivera from the Community Relations Board
- 3) Resignation of Neil M. Schiller from the Planning & Zoning Board

e. Receive and File Board Minutes – May 12, 2009

- 1) Community Appearance Board  
April 7, 2009
- 2) Historic Preservation Board  
February 17, 2009

- 3) Library Advisory Board  
February 18, 2009
- 4) Zoning Board of Adjustment  
September 11, 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.)*

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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:**

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

4. Ordinance No. 5095 *(Revised 4/23/09 - Second of three 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 Communications Facilities” relating to 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.)*

5. Ordinance No. 5097

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 4.997 acres, located at 6100 Park of Commerce Boulevard, from Warehouse (W-1) to Light Industrial Research Park (LIRP); providing for severability; providing for repealer; providing an effective date (ZC-08-02)

**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 BOARD DECISION:**

6. Resolution No. 65-2009

A resolution of the City Council of the City of Boca Raton considering an appeal of the decision of the Community Appearance Board to deny Permit 08-7634, for the installation of one (1) "Mobil 1 Lube Express" electric sign at 90 West Spanish River Boulevard; 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.