

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 27, 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 May 11, 2009  
Minutes of the Regular Meeting of May 12, 2009

## PROCLAMATIONS/RECOGNITIONS/AWARDS:

### **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. Planning and Zoning Board – 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. Competitive Sealed Proposal

- 1) Fire Station Alerting System - Replacement  
Requested by Fire-Rescue Services  
Citation Communications, Inc. \$76,376

b. Intergovernmental Agreement

- 1) Rehabilitation of Lift Stations  
Requested by Utility Services  
TLC Diversified, Inc. \$561,685

c. Resolution No. 66-2009

Resolution of the City of Boca Raton, Florida (the "City") authorizing the issuance by the City of Special Assessment Refunding Bonds, Series 2009 (Visions 90 Project) (the "Series 2009 Bonds"), in the initial principal amount of not exceeding \$13,000,000 for the purpose of paying and defeasing the City's outstanding Special Assessment Refunding Bonds, Series 2001 (Visions 90 Project) (the "Prior Bonds") which Prior Bonds refinanced improvements within the Downtown Special Assessment District of the City, plus the cost of issuing the Series 2009 bonds; pledging assessments against properties to be specially benefited by the refinancing of such improvements and certain investment earnings to secure payment of the principal and interest on the Series 2009 bonds; authorizing the City to covenant to budget and appropriate non ad valorem revenues to fund deficiencies in the principal and interest account in the manner provided in this resolution; establishing the maturity schedule in connection therewith; authorizing the City Manager or the Director of Financial Services of the City to publish through electronic means a summary notice of sale and to receive bids pursuant to a competitive sale of said Series 2009 bonds and award the sale of said Series 2009 bonds to the responsive bidder offering the lowest true interest cost to the City which shall not exceed five percent (5.00%); approving the execution and delivery of said Series 2009 bonds; approving the form of and authorizing the execution of a Registrar/Paying Agent Agreement; approving the preparation and use of an Official Notice of Bond Sale, a Preliminary Official Statement and final Official Statement; authorizing the electronic dissemination of the Preliminary Official Statement and Official Statement; approving the form of and authorizing the execution and delivery of an Escrow Deposit Agreement; providing for the rights, remedies and security of the holders of said Series 2009 bonds; making certain covenants and agreements in connection with the Series 2009 bonds; appointing a Paying Agent, Registrar and Escrow Agent; authorizing the registration of the Series 2009 bonds pursuant to a book-entry system, providing for an undertaking required under Rule 15c2-12 of the Securities and Exchange Commission; providing for severability; providing for repealer; and providing an effective date.

d. Resolution No. 72-2009

A resolution of the City of Boca Raton cancelling the first workshop and regular meetings in July 2009, August 2009, and September 2009; providing for severability; providing for repealer; providing an effective date.

e. Resolution No. 73-2009

A resolution of the City of Boca Raton approving and authorizing the submission of a substantial amendment to the Annual Consolidated Action Plan for Program Year 2008-09 to the United States Department of Housing and Urban Development as required to secure Community Development Block Grant Recovery Funds appropriated through the American Recovery and Reinvestment Act of 2009; designating the City Manager as the Chief Executive Officer for the Community Development Block Grant Recovery Funds; authorizing and directing the City Manager to execute and submit said substantial amendment, the application for Federal assistance and any certifications or other documents related to said Recovery Act funding; 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. 74-2009

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 Technology 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.

g. Board Resignations

- 1) Resignation of Elizabeth Fleishman from the Education Advisory Board

h. Receive and File Board Minutes – May 27, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
March 9, 2009
- 2) Community Appearance  
April 21, 2009
- 3) Community Relations Board  
March 16, 2009
- 4) Downtown Boca Raton Advisory Committee  
March 4, 2009
- 5) Education Advisory Board  
March 23, 2009
- 6) Executive Employees' Retirement Plan  
October 31, 2008  
March 25, 2009
- 7) General Employees' Pension Plan  
January 8, 2009  
February 18, 2009

- 8) Marine Advisory Board  
April 1, 2009
- 9) Parks and Recreation Board  
April 7, 2009
- 10) Police and Firefighters' Pension Board  
January 22, 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.)*

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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. 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 III – REGULAR PUBLIC HEARINGS:**

*(The public hearings on Items 5 and 5.a. will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each petition.)*

5. Ordinance No. 5095 *(Revised 5/20/09 – Third public hearing.)*

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

a. Resolution No. 68-2009

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing fees relating to applications for required approvals for wireless communications facilities; 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.)*

6. Ordinance No. 5098

An ordinance of the City of Boca Raton amending the Fiscal Year 2008-2009 Budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 5099

An ordinance of the City of Boca Raton amending Section 23-189, Code of Ordinances, modifying the limitations for the number of driveways permitted in certain residential plots and providing for the opportunity to seek a technical deviation in case of special considerations and exceptions in single family districts; 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:**

**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.