

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JUNE 9, 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 26, 2009
Minutes of the Regular Meeting of May 27, 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 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. Community Relations Board – one (1) student vacancy.
- b. Education Advisory Board – one (1) “ex officio” student vacancy.
- c. Historic Preservation Board – three (3) vacancies.

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 Agreement

- 1) Submersible Pumps - Replacment
Requested by Utility Services
Florida Bearing, Inc. and ITT Water and
Wastewater, Florida, LLC \$101,889

b. Sole Source

- 1) Radio Controlled Irrigation Equipment System Upgrades
Requested by Recreation Services
Contemporary Controls and Communications, Inc. \$176,485

c. Resolution No. 77-2009

A resolution of the City of Boca Raton establishing the time regular City Council workshop meetings shall commence; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 78-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the JTS Association, Inc. for the purpose of providing assessment center, practical exam, and written exam services for a promotional process for positions in Fire Rescue Services on an as needed basis; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 79-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Data Transfer Solutions, LLC for the purpose of GIS programming services; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 80-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Mathews Consulting, Inc. for the purpose of providing engineering services for Lake Wyman Shores infrastructure improvements; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 81-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a grant agreement with Palm Beach County for a citywide bus shuttle system; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 82-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an interlocal agreement with Florida Atlantic University regarding the reimbursement of funding to the City for the continuation of the Palm Tran Route 94 Demonstration Project service; providing for severability; providing for repealer; providing an effective date

i. Board Resignations

- 1) Resignation of Kevin McGinnis (student member) from the Education Advisory Board

j. Receive and File Board Orders

- 1) SM(C) Case No. 08-00003328
- 2) SM(C) Case No. 08-00003595
- 3) SM(C) Case No. 08-4520
- 4) SM(C) Case No. 08-00005024
- 5) SM(C) Case No. 09-00000269
- 6) SM(C) Case No. 09-00000452
- 7) SM(C) Case No. 09-00000467
- 8) SM(C) Case No. 09-00000687
- 9) SM(C) Case No. 09-00000707

k. Receive and File Board Minutes – June 9, 2009

- 1) Community Appearance Board
April 28, 2009
May 5, 2009
- 2) Community Relations Board
April 20, 2009
- 3) Downtown Boca Raton Advisory Committee
April 1, 2009
April 15, 2009
- 4) Financial Advisory Board
March 31, 2009
- 5) Pearl City Blue Ribbon Committee
September 25, 2008
October 23, 2008

- 6) People With Disabilities
February 5, 2009 (Program and Special Events Committee)
April 2, 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. Resolution No. 75-2009

A resolution of the City of Boca Raton considering conditional use approval to allow the construction of a new fast food restaurant for Wendy's restaurant on a parcel of land located at 865 N. Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-07-11)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. 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

6. 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 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:

7. Recommendation regarding Addison Park

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.