

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 27, 2009 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie
Council Member Michael Mullaugh

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of January 12, 2009
Minutes of the Regular Meeting of January 13, 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. Builders' Board of Adjustment & Appeals – four (4) vacancies; one electrical contractor, one mechanical contractor, and two at-large members.

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 Bids

- | | | |
|----|---|-------------|
| 1) | Advance Traffic Management System Implementation:
Network Expansion
Requested by Municipal Services
Precision Contracting Services, Inc. | \$698,910 |
| 2) | Reclaimed Water Storage and Pumping Facility
Requested by Utility Services
Florida Design Contractors, Inc. | \$4,306,409 |
| 3) | Security Guard Services
Requested by Police Services / Utility Services
Responsible Security, Inc. | \$220,922 |

b. Intergovernmental Agreement

- | | | |
|----|--|----------|
| 1) | Fire Hydrants
Requested by Utility Services
Ferguson Enterprises, Inc. | \$70,000 |
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c. Resolution No. 12-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Nicholas DiLorenzo and Carmela DiLorenzo for a dock placed in the City owned El Rio Canal adjacent to 490 N.W. 14th Street; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 14-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with the Spanish River Villas Association, Inc. for the purpose of placing a monument sign and decorative landscaping in City right-of-way adjacent to Spanish River Villas (A.K.A. Estoville, Tract B); providing for severability; providing for repealer; providing an effective date

e. Resolution No. 15-2009

A resolution of the City of Boca Raton adopting the identity theft prevention program; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 16-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the State of Florida, Division of Emergency Management for the purpose of receiving Federal Emergency Management Agency and State funds for Tropical Storm Fay preparation and recovery; providing for severability; providing for repealer; providing an effective date

g. Receive and File Board Minutes – January 26, 2009

- 1) Community Appearance Board
December 9, 2008
December 16, 2008
- 2) Elder Affairs Advisory Board
April 2, 2008
December 3, 2008
- 3) Environmental Advisory Board
March 15, 2007
- 4) General Employees' Pension Board
November 19, 2008
- 5) Marine Advisory Board
December 3, 2008
- 6) Parks and Recreation Board
November 5, 2008
December 2, 2008
- 7) Planning and Zoning Board
October 23, 2008
November 6, 2008
November 20, 2008
December 4, 2008
December 15, 2008 (Special)
- 8) Police and Firefighters' Pension Board
November 20, 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.)

4. Resolution No. 13-2009

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Biordi subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-08-82500001)

(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:

5. Resolution No. 3-2009

A resolution of the City of Boca Raton considering a conditional use approval for a wholesale laundry facility on a parcel of land located at 1081 Holland Drive in the South Congress Office-Industrial Park contiguous to Clint Moore Road; providing for severability; providing for repealer; providing an effective date (CA-08-09)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5078

An ordinance of the City of Boca Raton considering the vacation and abandonment of a portion of a public utility easement, located at 855 N.W. 6th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-06)

7. Ordinance No. 5079

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a water and sewer easement, located at the Boca West Convenience Center, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-09)

8. Ordinance No. 5080

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

9. Ordinance No. 5081

An ordinance of the City of Boca Raton repealing Chapter 18, Code of Ordinances, relating to Vehicles for Hire; amending Chapter 8, Code of Ordinances, adding special business regulations for Vehicle for Hire companies; amending Chapter 16, Code of Ordinances, adding traffic regulations for Vehicle for Hire pickup and discharge of passengers; 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.)

10. Ordinance No. 5082

An ordinance of the City of Boca Raton exempting the City from the early voting provisions of Section 101.657, Florida Statutes, for the March 10, 2009 regular election; providing for severability; providing for repealer; 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:

11. Selection of Canvassing Board Member for 2009 Election

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.