

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 10, 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 26, 2009
Minutes of the Regular Meeting of January 27, 2009

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Florida Atlantic University Fighting Owls Football Team

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. Citizens' Pedestrian & Bikeway Advisory Board – one (1) vacancy.
- b. Code Enforcement Board – one (1) vacancy.
- c. Elder Affairs Advisory Board – three (3) vacancies.
- d. Pearl City Blue Ribbon Committee – one (1) vacancy; must be a resident of Dixie Manor, Pearl City, or Lincoln Court.

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) El Rio Canal Shared Use Pathway - Yamato Road to L-40 Canal
Requested by Municipal Services
Hardrives of Delray Inc. dba Hardrives, Inc. \$655,578

b. Intergovernmental Agreement

- 1) Automobiles and Light Trucks (Replacements)
Requested by Municipal Services
Alan Jay Chevrolet, Classic Chevrolet Company, Don Reid Ford, Duval Ford,
Garber Chevrolet, Buick, Pontiac & GMC Truck Inc., Orville Beckford Ford-
Mercury, Tropical Ford \$1,944,000

c. Waiver of Procurement Procedures

- 1) Fuel Purchases at Private Gas Stations
Requested by Municipal Services
Ron's Camino Real Mobil
K and V Mobil \$266,700

d. Resolution No. 17-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Program for the purchase of cardiac monitor/defibrillators; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for 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

e. Resolution No. 18-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with South Florida Regional Transportation Authority for the purpose of providing funding for the continuation of the Palm Tran Route 94 Demonstration Project service; providing for severability; providing for repealer; providing an effective date

f. Board Resignation

- 1) Resignation of Jaime Plana from the Builders' Board of Adjustment & Appeals

g. Receive and File Board Orders

- 1) SM(C) Case No. 08-1347
- 2) SM(C) Case No. 08-00003330
- 3) SM(C) Case No. 08-3399
- 4) SM(C) Case No. 08-00003724
- 5) SM(C) Case No. 08-4081
- 6) SM(C) Case No. 08-00004455
- 7) SM(C) Case No. 08-00004567

h. Receive and File Board Minutes – February 10, 2009

- 1) Community Appearance Board
December 23, 2008
January 6, 2009
- 2) Downtown Boca Raton Advisory Committee
November 19, 2008
December 3, 2008
- 3) Environmental Advisory Board
November 18, 2008
- 4) Financial Advisory Board
November 17, 2008
- 5) People With Disabilities
December 4, 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.)

(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. 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 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. 5083

An ordinance of the City of Boca Raton amending Chapter 18, Code of Ordinances, relating to Vehicles for Hire; revising the standards for approving Certificates of Public Convenience and Necessity; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 5084

An ordinance of the City of Boca Raton, Florida (the "City"), authorizing, pursuant to the terms and provisions of Ordinance No. 4418 (the "Original Ordinance"), the issuance of not exceeding \$12,000,000 in Water and Sewer Revenue Refunding Bonds, Series 2009 (the "Series 2009 Bonds") to currently refund all of the City's outstanding Water and Sewer Revenue Refunding and Improvement Bonds, Series 1999, making such 2009 Bonds subject to the terms and provisions of the Original Ordinance; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 5085

An ordinance of the City of Boca Raton amending Section 302.1.4 of the Supplemental Criteria and Procedural Rules of the Community Appearance Board (adopted under Ordinance No. 2110 and amended by Ordinance No. 4074) relating to mechanical equipment; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 5086

An ordinance of the City of Boca Raton amending Section 28-342 of the City Code of Ordinances providing supplemental standards for calculating roof height in single family residential districts; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 5087

An ordinance of the City of Boca Raton creating Section 6-15, Code of Ordinances, providing for the posting of certain campaign reports upon the City's web page; 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.