

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON AUGUST 25, 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 July 27, 2009
Minutes of the Regular Meeting of July 28, 2009

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Certificate of Appreciation from the Florida Institute for the Commercialization of Public Research
Pool Lifeguard Recognition – 1st Place / American Red Cross Competition

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 Appearance Board – three (3) vacancies.
- b. Community Relations Board – one (1) student vacancy.
- c. Education Advisory Board – one (1) “ex officio” student vacancy.
- d. Police and Firefighters’ Pension 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. Sealed Bids

- 1) N.W. 12 Avenue Improvements (Palmetto Park Road to N.W. 13th Street)
Requested by Municipal Services Utility Services
H & J Contracting, Inc. \$2,776,318
- 2) Wastewater Treatment Plant Final Clarifiers
Refurbishment & Improvements
Requested by Utility Services
Garney Companies, Inc. \$3,023,635
- 3) On-Site Reclaimed Water Pumping Facility Upgrade
Requested by Utility Services
Intrastate Construction Corp. \$803,000
- 4) North Beach Renourishment
Requested by Municipal Services
Great Lakes Dredge & Dock Company, LLC \$7,747,300
- 5) South Beach Renourishment
Requested by Municipal Services
Great Lakes Dredge & Dock Company, LLC \$1,750,000

b. Intergovernmental Agreements

- 1) Reclaimed Distribution System Rehabilitation
Requested by Utility Services
Madsen Barr Corporation \$136,132
- 2) Fire Hydrant Audit
Requested by Utility Services
Metro Hydrant and Valve Services, Inc. \$93,000

3)	Sanitary Sewer Manhole Interior Rehabilitation Requested by Utility Services Chaz Equipment Co., Inc.	\$124,596
4)	Bomb Squad Robot (New) Requested by Police Services Remotec, Inc.	\$192,500
5)	Gasoline and Diesel Fuel Requested by Municipal Services Utility Services Macmillan Oil Company, Mansfield Oil Company, Petroleum Traders, SMF Energy Corp., Land and Sea Petroleum, Palmdale Oil Company	\$751,250
6)	Laboratory Furniture (Replacement) Requested by Utility Services Fisher Hamilton, LLC	\$55,350
7)	Liquid Carbon Dioxide, Bulk Delivery Requested by Utility Services Airgas Carbonic	\$60,000

c. Resolution No. 118-2009

A resolution of the City of Boca Raton requesting the assistance of Governor Crist and the Florida Legislature in order to provide adequate funding and stronger legislation directed toward solutions for the enormous problem of beach erosion within the State of Florida and the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 119-2009

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Broken Sound Club, Inc., over certain lands located at 1401 N.W. 51st Street; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 120-2009

A resolution of the City of Boca Raton waiving the Payment in Lieu of Taxes for the Boca Raton Housing Authority for fiscal year ending September 30, 2010; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 121-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Applied Technology and Management Inc., for the purpose of construction phase services for the North Boca Raton Second Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 122-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Applied Technology and Management Inc., for the purpose of construction phase services for the South Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 123-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Accelerated Technology Laboratories, Inc. for the purpose of procurement for laboratory information systems management software, implementation services, training and annual maintenance of software; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 124-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a joint participation agreement with the Florida Department of Transportation to provide funding for local public transit service; providing for severability; providing for repealer; providing an effective date

j. Board Resignations

- 1) Resignation of Richard Robinson from the Police and Firefighters' Pension Board.

k. Receive and File – Employee Election Certification

- 1) Election of Alan Alford to the Civil Service Board – term to expire October 31, 2012.

l. Receive and File Board Minutes – August 25, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board
May 11, 2009
- 2) Community Appearance Board
June 23, 2009
June 30, 2009
July 7, 2009
July 14, 2009
- 3) Historic Preservation Board
May 19, 2009
- 4) Library Advisory Board
April 29, 2009
- 5) Parks and Recreation Board
July 7, 2009
- 6) Pearl City Blue Ribbon Committee
May 28, 2009
- 7) People With Disabilities
May 7, 2009 (Program and Special Events Committee)
June 4, 2009
- 8) Planning and Zoning Board
March 19, 2009
May 7, 2009

- 9) Police & Firefighters' Pension Board
May 27, 2009 (Trustee Educational Forum)
May 28, 2009
June 25, 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. 115-2009

A resolution of the City of Boca Raton considering conditional use approval to allow a family resource center on a parcel of land located at 1500 NW 1st Court; providing for severability; providing for repealer; providing an effective date (CA-09-06)

5. Resolution No. 116-2009

A resolution of the City of Boca Raton considering an amendment to an approved site plan of the Town Center at Boca Raton Mall to relocate previously approved square footage, modify and add valet areas, and extend the date of expiration of the site plan approval (including an extension of the concurrency expiration date) located at 6000 West Glades Road; providing for an amended and restated site plan consolidating approvals issued under Resolution No. 116-2006, Planning and Zoning Board Resolution No. 07-03, Planning and Zoning Board Resolution No. 08-35 and the amendments requested hereunder, providing for severability; providing for repealer; providing an effective date (SC-09-05)

6. Resolution No. 117-2009

A resolution of the City of Boca Raton considering conditional use approval to allow for the construction of a furniture showroom on a parcel of land located at 3350 Airport Road; providing for severability; providing for repealer; providing an effective date (CA-09-01/SPA-09-06)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

7. Ordinance No. 5100 (Revised 7/31/09)

An ordinance of the City of Boca Raton; amending Sections 23-353, 23-361, 28-52, 28-54, 28-57, 28-1741, and 2-128, Code of Ordinances, requiring architectural building elevations for proposed development; requiring Community Appearance Board review of such elevations and revisions to color selections, and amending the Board's authority to modify Development Orders; deleting approval of minor modifications by the Planning and Zoning Board; clarifying that a violation of a Development Order constitutes a Code violation; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-09-06)

8. Ordinance No. 5101

An ordinance of the City of Boca Raton repealing Division 13, Article III, Chapter 2, Code of Ordinances, relating to the Telecommunications Advisory Board; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 5102

An ordinance of the City of Boca Raton amending the Code of Ordinances related to expense reimbursement for members of City boards and commissions; deleting Section 2-53, Code of Ordinances and amending Sections 2-174, 2-259, 2-272(b), 19-69, and Section 28-230, Code of Ordinances, as provided herein; 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. 5103

An ordinance of the City of Boca Raton amending Section 17-230 to provide for annual adjustments to the stormwater utility fees and an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 5104

An ordinance of the City of Boca Raton amending Sections 17-45 and 17-84, Code of Ordinances, to provide for annual adjustments to the water and sewer rates and charges based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 5105

An ordinance of the City of Boca Raton amending Section 2-328, Code of Ordinances, to provide for annual adjustments to the Municipal Cemetery and Mausoleum and the Municipal Golf Course fees based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

13. Ordinance No. 5106

An ordinance of the City of Boca Raton amending Section 12-132, Code of Ordinances, relating to the Police and Firefighters' Retirement System regarding eligibility to serve on the Board of Trustees; providing for severability; providing for repealer; providing for codification; providing an effective date

14. Ordinance No. 5107

An ordinance of the City of Boca Raton adopting final millage rates and levying ad valorem taxes for the fiscal year beginning October 1, 2009 and ending September 30, 2010; stating the percentage by which the millage to be levied is less than "rolled-back rate"; directing the City Manager or the Office of Management and Budget Director to adjust the adopted millage rates in the event of changes in the assessment roll and taxable value; providing for severability; providing for repealer; providing an effective date

15. Ordinance No. 5108

An ordinance of the City of Boca Raton adopting a final budget and appropriating funds for the fiscal year beginning October 1, 2009 and ending September 30, 2010; 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:

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.