

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON AUGUST 26, 2008 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

The pledge will be incorporated into a flag ceremony, conducted by the Boca Raton High School Naval Junior ROTC.

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie

PRESENTATION:

Rep. Adam Hasner – 2008 Legislative Update

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of Downtown Walking Tour of July 21, 2008
Minutes of the Regular Workshop Meeting of July 21, 2008
Minutes of the Regular Meeting of July 22, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation - Firefighter Appreciation Month – August 2008 (Muscular Dystrophy Assn)

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:

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) | IBM Storage Area Network Upgrade - Replacement
Requested by City Manager
Champion Solutions Group | \$104,304 |
| 2) | Automotive, Light and Heavy Duty Truck After Market Parts
Requested by Municipal Services Fire Rescue Services
Cold Air Distributors Warehouse of Florida, Inc.; Bennett Auto
Supply, Inc.; Atlantic Trucks Center; L&L Distributors;
Total Truck Parts, Inc. | \$274,600 |
| 3) | Landscape Maintenance Services for South
Requested by Recreation Services
Maia Lawn & Landscape Services, Inc. | \$211,483 |
| 4) | Spanish River Park Pavement Resurfacing
Requested by Recreation Services
Weekley Asphalt Paving, Inc. | \$432,972 |
| 5) | Anaerobic Digester Cleaning
Requested by Utility Services
Containment Services, Inc. | \$168,584 |
| 6) | Equipment Testing and Analysis
Requested by Utility Services
Florida Bearings, Inc. | \$54,440 |
| 7) | Washwater Recovery Pump and Motor - Replacement
Requested by Utility Services
Florida Bearings, Inc. | \$159,000 |
| 8) | On-Site Sodium Hypochlorite Generation Equipment - Replacement
Requested by Utility Services
Odyssey Manufacturing Company | \$139,500 |

b. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Emergency Mobile Intensive Care Vehicles - Replacement
Requested by Fire Rescue Services
Hall-Mark Fire Apparatus | \$672,000 |
|----|---|-----------|

- 2) Fertilizer Chemicals
Requested by Recreation Services Utility Services
Agro Distribution d/b/a Pro Source One, Diamond R Fertilizer
d/b/a Atlantic FEC Fertilizer, Lesco, Inc. \$93,035

c. Change Order

- 1) Building Renovations for Various Parks
Requested by Recreation Services
Hartzell Construction, Inc. \$206,000

d. Resolution No. 95-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with the Center for Law Enforcement Technology, Training, & Research (LETTR) to participate in the Florida Information Network for Data Exchange and Retrieval (FINDER) program, providing for severability; providing for repealer; providing an effective date

e. Resolution No. 99-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Transportation for the purpose of Enhancement and Operations of the Traffic Control Signal System; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 100-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Applied Technology and Management Inc., for the purpose of providing continuing professional services for Coastal Engineering to continue to preserve the City of Boca Raton's shorelines; providing for severability; providing for repealer; providing an effective date

g. Board Resignations

- 1) Resignation of Fenil Patel from the Builders' Board of Adjustment & Appeals

h. Receive and File – Employee Election Certification

- 1) Election of Jeff Ross to the Board of Trustees of the Police and Firefighters' Retirement System – term to expire March 29, 2010.

i. Receive and File Board Orders

- 1) Special Master:
a) SM(C) Case No. 06-2340
b) SM(C) Case No. 07-4547
c) SM(C) Case No. 07-4825
d) SM(C) Case No. 08-00001142
e) SM(C) Case No. 08-00001470
f) SM(C) Case No. 08-00001500
g) SM(C) Case No. 08-1552
h) SM(C) Case No. 08-1617
i) SM(C) Case No. 08-1826
j) SM(C) Case No. 08-00001864

- k) SM(C) Case No. 08-00001891
- l) SM(C) Case No. 08-00002294
- m) SM(C) Case No. 08-00002363

2) Builders' Board of Adjustment & Appeals:

- a) BBAA Case No. 08-1966
- b) BBAA Case No. 08-3331

j. Receive and File Board Minutes – August 26, 2008

- 1) Builders' Board of Adjustment and Appeals
June 30, 2008
- 2) Community Appearance Board
June 24, 2008
July 1, 2008
July 8, 2008
July 15, 2008
July 22, 2008
- 3) Downtown Boca Raton Advisory Committee
April 16, 2008
July 8, 2008
- 4) Education Advisory Board
May 19, 2008
- 5) Executive Employees' Retirement Plan
June 10, 2008
- 6) General Employees' Pension Board
June 12, 2008
- 7) Library Advisory Board
May 21, 2008
- 8) Parks & Recreation Board
June 3, 2008
- 9) People With Disabilities
April 9, 2008 (Program & Special Events Committee)
June 5, 2008
July 10, 2008 (Program & Special Events Committee)
July 10, 2008
- 10) Planning and Zoning Board
May 22, 2008
June 5, 2008
- 11) Police & Firefighters' Pension Board
April 21, 2008 (Joint Adm. Comm. P&FF/Gen Emp)
June 19, 2008

- 12) Special Master
June 11, 2008
June 25, 2008
July 9, 2008
- 13) Zoning Board of Adjustment
June 12, 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:

4. Resolution No. 82-2008

A resolution of the City of Boca Raton considering the modification of the Conditional Use Approval for Spanish River Presbyterian Church, to allow the construction of seminary classrooms, a performing arts center, a youth center and pre-post function additions to the sanctuary on a parcel of land located at 2400 NW 51st Street; providing for severability; providing for repealer (including the repeal of Resolution Nos. 36-94 and 203-94); providing an effective date (CA-07-18)

5. Resolution No. 94-2008

A resolution of the City of Boca Raton considering a request for modifications to the previously approved master plan for the Gardens at Memorial Park to permit the development of Phase 4A which includes constructing Building “A” and a temporary parking area for construction equipment, incorporating the previously approved master plan (SC-04-02), all on a parcel of land located at 4103 Military Trail, subject to the conditions; providing for severability; providing for repealer; providing an effective date (SC-08-02)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

(The public hearing on Items 6 and 7 will be conducted contemporaneously, as the petitions are related. No vote will be taken at this meeting; the final public hearing is scheduled for September 9, 2008, at which time a separate vote will be taken on each petition.)

6. Ordinance No. 5045 (First public hearing) (Revised)

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, to provide supplemental regulations for nonresidential structures and uses in single-family residential zoning districts, including landscaping requirements, dumpster location requirements, limiting vehicular access to only arterial or collector roads, and additional regulations; and supplemental regulations for nonresidential structures and uses in multifamily zoning districts, including limiting vehicular access only to arterial or collector roads, and additional regulations; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-03)

7. Ordinance No. 5040 (Second public hearing) (Revised)
(Please Note - Scrivener's Error: Subsequent to Introduction and prior to the first Public Hearing, the title of Ordinance No. 5040 was revised, due to the introduction of Ordinance No. 5045, to remove the deleted text shown below. The deleted text was inadvertently included in the title of the ordinance when the agenda was published for this meeting.)

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, providing a definition for "Places of Worship" and "Places of Public Assembly"; amending the list of permitted and conditional uses in most zoning districts to establish a consistent treatment for Places of Worship and Places of Public Assembly; ~~limiting Places of Worship in residential districts to sites with direct vehicular access to an arterial or collector road~~; replacing references to "Church" and "Places of Worship of God"; providing for Places of Worship as a permitted use in the R-3-A and R-3-C zoning districts; deleting the definition of "Private Clubs, Lodges, Fraternities and Similar Private Uses" and including said category, as well as "Theaters and Auditorium", in the definition of Places of Public Assembly; modifying the parking requirements for Places of Public Assembly and deleting parking requirements for uses included within said category; deleting the category of "Institutions of an Educational, Philanthropic or Religious Character"; deleting "Private Clubs and Community Service Organizations" from the PUD Commercial Node and "Private Clubs" and related uses from the M-3 District and the LIRP Commercial Node; deleting "Movie Theaters" in the LIRP District; deleting "Drive-In Theaters" in the M-1 District; ~~providing a non-conforming use provision~~; and making such amendments and revisions, as appropriate, to establish a consistent treatment for Places of Public Assembly and Places of Worship; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 5043

An ordinance of the City of Boca Raton amending Rule 1.17 of Section 2-27, Code of Ordinances, to provide that a legally required public hearing regarding an ordinance may be held at the same City Council meeting at which the ordinance has been introduced; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 5044

An ordinance of the City of Boca Raton approving standard forms of petition related to initiative and referendum petitions; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

10. Resolution No. 92-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim for Alberto and Melanie Aletto (GL03-OO34-MS); providing for severability; providing for repealer; providing an effective date

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.)

11. Ordinance No. 5046

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Water Easement, located at 10 East Boca Raton Road, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-07-06)

12. Ordinance No. 5047

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of Utility Easements, located at 181 N.W. 20th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-05)

13. Ordinance No. 5049

An ordinance of the City of Boca Raton amending the Boca Raton Downtown Development of Regional Impact Development Order to modify transportation related conditions and improvements; determining that the amendments do not constitute a substantial deviation requiring further Development of Regional Impact review in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date (SC-08-04)

14. Ordinance No. 5050

An ordinance of the City of Boca Raton relating to the review process for Individual Development Approvals within the Downtown Redevelopment Area; amending Section 2-135, Powers and Duties of the Community Appearance Board; amending Section 2-265, Powers and Duties of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

15. Ordinance No. 5053

An ordinance of the City of Boca Raton relating to the Civil Service Board; amending Section 2-67, Code of Ordinances, to clarify the qualifications for membership; providing for severability; providing for repealer; providing for codification; providing an effective date

16. Ordinance No. 5054

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the Third Quarterly Budget Amendment; 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:

17. Resolution No. 96-2008

A resolution of the City of Boca Raton expressing concerns over the large population of green iguanas in the City and requesting that the Florida Fish and Wildlife Conservation Commission enact regulations governing the possession, distribution and release of green iguanas within the State; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

18. Board Attendance Report (January – June 2008)

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.