

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 9, 2008 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

**AMENDMENTS TO THE AGENDA:**

**MINUTES:**

Minutes of the Regular Workshop Meeting of November 24, 2008  
Minutes of the Regular Meeting of November 25, 2008

**SPECIAL CONSIDERATION:** Council Candidate Interviews and Consideration

**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 31<sup>st</sup> 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. Pearl City Blue Ribbon Committee – (1) one 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 Bid

- 1) Bus Shelter Maintenance  
Requested by Municipal Services  
Roof Painting by Hartzell, Inc. \$55,000

b. Sole Source

- 1) 75' Mid Ship Aerial Ladder Truck - Replacement  
Requested by Fire-Rescue Services  
Sutphen Corporation \$697,600

c. Intergovernmental Agreements

- 1) Athletic Field Lighting - Replacement  
Requested by Recreation Services  
Musco Sports Lighting, LLC \$525,000

- 2) Sodium Hydroxide  
Requested by Utility Services  
Allied Universal Corp. \$153,000

- 3) Emergency Mobile Intensive Care Vehicles - Replacement  
Requested by Fire-Rescue Services  
Hall-Mark Fire Apparatus \$471,000

- 4) Electrical Supplies  
Requested by Municipal Services Utility Services  
American Plumbing & Electrical Supply, Inc.; Biko, Inc.; Gexpro;  
Graybar Electric; HD Supply; Interline Brands, Inc./DBA Sexauer;  
ITW, Inc./DBA AAA Tool & Supply; Mayer Electric Supply;  
Mercedes Electric Supply; Palm Beach Battery Ventures, LLC;  
Peninsula; Electric Distributors; Southern Electric/DBA Rexel;  
World Electric Supply \$250,000

d. Resolution No. 164-2008

A resolution of the City of Boca Raton extending the term of the Downtown Boca Raton Advisory Committee for an additional 2-year period; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 167-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to an Agreement with Navarro Security Group, Inc. for the purpose of extending the term of the contract to February 20, 2009; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 168-2008

A resolution of the City of Boca Raton accepting the November 19, 2008 Affordable Housing Advisory Committee Recommendation Report, pursuant to Chapter 420, Florida Statutes, pertaining to the State Housing Initiatives Partnership (SHIP) Program; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 169-2008

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the Department of Homeland Security for the Assistance to Firefighters Grants Program; authorizing the expenditure of matching funds for said grant; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

h. Board Resignations

- 1) Resignation of Albert Jackman from the Historic Preservation Board
- 2) Resignation of Ruth A. Weiss from the Elder Affairs Advisory Board
- 3) Resignation of Bryan Meisel from the Community Relations Board

i. Receive and File Board Minutes – December 9, 2008

- 1) Community Appearance Board  
November 4, 2008
- 2) Education Advisory Board  
September 22, 2008
- 3) Executive Employees' Retirement Plan  
September 24, 2008
- 4) General Employees' Pension Board  
September 11, 2008
- 5) Historic Preservation Board  
June 17, 2008  
September 16, 2008
- 6) Planning and Zoning Board  
September 4, 2008
- 7) Police and Firefighters' Pension Board  
September 25, 2008  
September 25, 2008 (Joint Administrative Comm. Gen Emp and P&FF)

**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. 145-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Glades/Rox subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-04-06)

5. Resolution No. 166-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Glades/Rox North subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-04-07)

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*(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:**

*(The public hearing on Items 6 and 7 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)*

6. Resolution No. 162-2008

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Sugar Sand Park Phase 4 subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-07-03)

7. Resolution No. 161-2008

A resolution of the City of Boca Raton considering conditional use approval and a master plan modification to the Sugar Sand Park Master Plan on a parcel of land located at 300 South Military Trail; providing for severability; providing for repealer; providing an effective date (CA-08-03)

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

8. Ordinance No. 5075

An ordinance of the City of Boca Raton amending Exhibit A of Ordinance No. 4859 of the City of Boca Raton previously amended by Ordinance No. 4916, which ordinance amended the future land use category of certain property located at 1601 Clint Moore Road, as more specifically described herein, from Light Industrial to Commercial; providing for severability; providing for repealer; providing an effective date (UC-04-10R3)

9. Ordinance No. 5071

An ordinance of the City of Boca Raton amending Chapter 12, Code of Ordinances, relating to the Police and Firefighters' Retirement System relating to retirement dates and benefits; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 5072

An ordinance of the City of Boca Raton related to health and sanitation; amending Chapter 14, Code of Ordinances; providing for additional definitions and administrative procedures; providing regulations for pre-collection and collection procedures for the collection and disposal of solid waste, vegetative waste, bulk waste and recyclable materials; providing for fees and charges for solid waste collection services; amending Section 16-31, Code of Ordinances, to prohibit the obstruction of solid waste collection vehicles; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 5073

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to Fire Prevention and Fire Protection; repealing current Chapter 7, Code of Ordinances, in its entirety; adopting a revised, updated Chapter 7, Code of Ordinances; adopting the Florida Fire Prevention Code; providing for local amendments to the Florida Fire Prevention Code; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 5074

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to police and fire alarms; repealing Article II of Chapter 9, Code of Ordinances in its entirety; creating and adopting a new Article II of Chapter 9, Code of Ordinances, relating to police and fire alarms; providing definitions and regulations; providing requirements for alarm user and alarm, monitoring company registrations; providing for fees and penalties; providing an appeals process; amending Section 2-113, Code of Ordinances, to provide that violations of Chapter 9, Code of Ordinances, shall be within the jurisdiction of the special master; providing for severability; providing for repealer; providing for codification; providing an effective date

13. Resolution No. 163-2008

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; amending fees for solid waste collection services; amending Police Alarm and Fire Alarm fees; 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.)*

14. Ordinance No. 5076

An ordinance of the City of Boca Raton amending Section 17-161, Code of Ordinances, authorizing the City Manager to set payment terms on impact fees due upon connection to the water and sewer system for existing building(s) and structure(s); 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.)*

**QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:**

*(The public hearing on this item will be conducted pursuant to the quasi-judicial guidelines attached to this agenda.)*

15. Resolution No. 165-2008

A resolution of the City Council of the City of Boca Raton considering an appeal of the decision of the Community Appearance Board to deny Permit 07-2958, for the replacement of the awning at Count de Hoernle Train Pavilion located at 747 S. Dixie Highway; providing for severability; providing for repealer; providing an effective date

**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.