

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JUNE 23, 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 June 8, 2009
Minutes of the Regular Meeting of June 9, 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. Community Appearance Board – one (1) vacancy.
- b. Community Relations Board – two (2) vacancies.
- c. Education Advisory Board – three (3) vacancies.
- d. North Federal Highway Steering Committee – one (1) vacancy.
- e. Zoning Board of Adjustment – 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 Bid

- 1) Wastewater Sludge Polymer
Requested by Utility Services
Polydyne, Inc. \$278,700

b. Competitive Sealed Proposal

- 1) Fire Alarm Monitoring, Maintenance, Testing/Inspection and Repairs
Requested by Municipal Services
Siemens Building Technologies, Inc. \$70,820

c. Intergovernmental Agreement

- 1) Heavy Duty Trucks (Replacements)
Requested by Recreation Services and Utility Services
Atlantic Truck Center \$303,689
- 2) Sodium Hypochlorite
Requested by Utility Services
Allied Universal Corp. \$200,000

d. Resolution No. 87-2009

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Lynn Financial Center, LLC, over certain lands located at 1825 N.W. Corporate Boulevard; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 88-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Bulletproof Vest Partnership Grant Program; 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

f. Resolution No. 89-2009

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 Luxuria Condominiums beautification within State Road A1A from Mile Post 0.390 to 0.453; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 90-2009

A resolution of the City of Boca Raton recognizing the "Building Citizenship in the Community: Back to Basics" initiative of the Florida League of Cities, Inc., and expressing support for this statewide effort; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 91-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute and accept beach storm damage reduction easement deeds from property owners within the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 92-2009

A resolution of the City of Boca Raton approving and adopting the report of the Goal Setting Session of April 29-30, 2009, and the 2009-2024 Strategic Plan, including the Action Agenda for 2009-2010; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 93-2009

A resolution of the City of Boca Raton relating to the levy of special assessments against the lands and real estate within the Downtown Special Assessment District of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 94-2009

A resolution of the City of Boca Raton creating the Green Living Task Force; providing membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 95-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for legal services relating to labor and employment law issues with Ward, Damon, Posner, Pheterson & Bleau, PL; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 96-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Energy for the American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grants – Formula Grants Program; authorizing the acceptance of 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

n. Resolution No. 98-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2009 Local Solicitation; authorizing the acceptance of 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

o. Board Resignations

- 1) Resignation of James Matthews from the Community Appearance Board
- 2) Resignation of James Sunshine from the Community Relations Board

p. Receive and File Board Minutes – June 23, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board
April 13, 2009
- 2) Community Appearance Board
May 12, 2009
May 19, 2009
- 3) Downtown Boca Raton Advisory Committee
May 20, 2009
- 4) Environmental Advisory Board
February 18, 2009 (Special Meeting)
- 5) Library Advisory Board
March 18, 2009
- 6) Parks and Recreation Board
May 5, 2009
- 7) Planning and Zoning Board
February 19, 2009
March 5, 2009

- 8) Special Master
April 8, 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. 83-2009

A resolution of the City of Boca Raton considering conditional use approval to allow a convenience store within an existing service station for Coastal Gas Station; located at 199 NW 20th Street; providing for severability; providing for repealer; providing an effective date (CA-09-02)

5. Resolution No. 84-2009

A resolution of the City of Boca Raton considering conditional use approval to allow four (4) storage tanks (2 above ground and 2 below ground) adjacent to the building at 5800 NW Park of Commerce Boulevard for the Biotest facility located at 5800 and 5900 NW Park of Commerce Boulevard; providing for severability; providing for repealer; providing for an effective date (CA-09-05)

(The public hearings on Items 6 and 6.a. will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each.)

6. Resolution No. 85-2009

A resolution of the City of Boca Raton approving modifications to the approved Planned Unit Development, with a Master Plan, for Woodfield Country Club, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-85-08R1)

a. Resolution No. 86-2009

A resolution of the City of Boca Raton granting Tentative Plat Approval to the Woodfield Country Club Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-09-02)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

(The public hearings on Items 7 and 7.a. will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each.)

7. Ordinance No. 5095 *(Revised 5/20/09 – Public Hearing continued from 5/27/09 meeting)*

An ordinance of the City of Boca Raton repealing existing Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Telecommunications Towers and Facilities” and creating a new Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Wireless Communications Facilities” relating to telecommunications towers and antennas; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 68-2009

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing fees relating to applications for required approvals for wireless communications facilities; 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.)

8. Ordinance No. 5100

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)

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:

(The public hearing on the following resolution will be conducted pursuant to quasi-judicial guidelines, which are attached to this agenda. If you are planning to speak during the following public hearing, please state your name and address for the record and limit your remarks to five [5] minutes.)

9. Resolution No. 97-2009

A resolution of the City of Boca Raton considering the request of Boca East LLC to review an administrative determination that the Building Permit Extension Agreement approved pursuant to Resolution No. 94-2007, adopted September 21, 2007, has expired as a result of a default thereunder; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

10. Designation of Voting Delegate to the Florida League of Cities' Annual Conference
August 13 – 15, 2009 / Orlando, Florida

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.