

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 22, 2007 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of May 7, 2007
Minutes of the Regular Meeting of May 8, 2007

PROCLAMATIONS/RECOGNITIONS/AWARDS:

National Safe Boating Week – May 19 through May 25, 2007

Rev. George Andrews Day – May 22, 2007

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.)

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 Bid

1) El Rio Canal Shared Use Pathway
Requested by Municipal Services
Asphalt Consultants, Inc. \$1,723,636

b. Resolution No. 63-2007

A resolution of the City of Boca Raton approving and accepting an easement deed from Old Town Tavern, Inc., over certain lands located at 10 Boca Raton Road; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 64-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Environmental Resources Management for removal and control of invasive non-native vegetation on environmentally sensitive City lands; 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

d. Resolution No. 65-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Land and Water Conservation Fund grant from the Florida Department of Environmental Protection for Hillsboro/El Rio Park; 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. 66-2007

A resolution of the City of Boca Raton supporting a proposed amendment to the Palm Beach County Charter and finding that the expenditure of public funds in support of the proposed amendment to the Palm Beach County Charter serves a public purpose; providing that the dissemination of information concerning the impacts of this amendment on the citizens of Palm Beach County and the City of Boca Raton is essential to the health, safety, protection and welfare of the City and its citizens; providing for severability; providing for repealer; providing an effective date

- f. Board Resignations
 - 1) Resignation of Albert Hyman from the Builders' Board of Adjustment and Appeals
- g. Receive and File Board Minutes – May 22, 2007
 - 1) Community Appearance Board
 - April 10, 2007
 - April 17, 2007
 - April 24, 2007
 - 2) Community Relations Board
 - March 19, 2007
 - 3) Downtown Boca Raton Advisory Committee
 - March 21, 2007
 - 4) Education Advisory Board
 - March 26, 2007
 - 5) Elder Affairs Advisory Board
 - April 4, 2007
 - 6) Executive Employees' Retirement Plan Board
 - February 27, 2007
 - 7) Financial Advisory Board
 - February 20, 2007
 - 8) Library Advisory Board
 - February 21, 2007
 - 9) Marine Advisory Board
 - April 4, 2007
 - 10) Planning and Zoning Board
 - March 22, 2007
 - 11) Special Master
 - January 24, 2007
 - March 14, 2007
 - March 28, 2007
 - April 11, 2007

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:

The public hearings on Ordinance No. 4985 and Resolution No. 59-2007 will be held contemporaneously, as the items are related; a separate vote will be taken on each item.

4. Ordinance No. 4985

An ordinance of the City of Boca Raton amending Section 25-36, Code of Ordinances, to revise the procedure for vacation and abandonment of rights-of-way; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 59-2007

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to the application fee for abandonment of rights-of-way; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 4981

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Water Easement, located at 5440 Glades Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-04)

6. Ordinance No. 4982

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 17th Avenue and N.W. 16th Terrace at N.W. 13th Street; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-06)

7. Ordinance No. 4983

An ordinance of the City of Boca Raton amending Section 28-1741, Code of Ordinances, to remove the Parks and Recreation Board and Environmental Advisory Board reviews in the Planned Unit Development Master Plan approval process; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-06-09)

8. Ordinance No. 4984

An ordinance of the City of Boca Raton amending Section 2-328, Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum and the Boca Raton Municipal Golf Courses; 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.)

9. Ordinance No. 4979

An ordinance of the City of Boca Raton amending the Fiscal Year 2006-2007 budget through the Second 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:

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.