

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON AUGUST 14, 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 July 23, 2007
Minutes of the Regular Meeting of July 24, 2007

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.)

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – one vacancy
- b. Citizens' Pedestrian and Bikeway Advisory Board – one vacancy
- c. Community Relations Board – one vacancy (student)
- d. Elder Affairs Advisory Board – one vacancy
- e. Financial Advisory Board – two vacancies
- f. Historic Preservation Board – one vacancy
- g. Pearl City Blue Ribbon Committee – one vacancy (must be a resident of Dixie Manor, Pearl City, or Lincoln Court)
- h. Telecommunications Advisory Board – 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 Bids

- 1) Supply and Install one (1) 50 HP Hot Water Boiler-Replacement Requested by Utility Services Zager Plumbing Incorporated \$68,850
- 2) Light Poles & Fixtures Requested by Municipal Services Graybar Electric Company \$82,683
- 3) North and South West 4th Avenue Intersection Improvements at Palmetto Park Road Requested by Municipal Services Florida Blacktop, Inc. \$355,475

b. Intergovernmental Agreement

- 1) Safety Lighting and Equipment for Vehicles Requested by Municipal Services Law Enforcement Supply Company \$72,937

c. Resolution No. 81-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 30 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the 2006 Central Boca Raton Beach Renourishment Project One-Year Post-Construction Physical Monitoring Plan; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 82-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Boca Quay Homeowner's Association, Inc. for the purpose of placing a call box and miscellaneous utility wiring in City right-of-way of Jeffery Street adjacent to Boca Quay; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 83-2007

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, 2008; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 84-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a quit claim deed conveying the Ocean Strand Park property to the Greater Boca Raton Beach & Park District; providing for severability; providing for repealer; providing an effective date

g. Resolution No 85-2007

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant, if awarded, from the U.S. Department of Justice, Bureau of Justice Assistance for the Edward Byrne Memorial Discretionary Grants Program; 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. Resolution No. 87-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Camp Dresser & McKee Inc. for the purpose of providing professional engineering services to perform an update of the demand projections of the City's water distribution system; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 88-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute an Interlocal Agreement with Palm Beach County for the purpose of reimbursable funding for improvements to the Boca Raton Inlet during FY 2007/08; providing for severability; providing for repealer; providing an effective date

- j. Board Resignations
 - a. Resignation of Leo Plevy from the Zoning Board of Adjustment
 - b. Resignation of Jonathan Lake from the Community Relations Board
- k. Receive and File Board Minutes – August 14, 2007
 - 1) Citizen's Pedestrian and Bikeway Advisory Board
January 8, 2007
February 12, 2007
 - 2) Community Appearance Board
May 22, 2007
May 29, 2007
June 5, 2007
June 12, 2007
June 19, 2007
June 26, 2007
July 10, 2007
July 17, 2007
 - 3) Education Advisory Board
May 21, 2007
 - 4) Elder Affairs Advisory Board
May 2, 2007
 - 5) General Employees' Pension Board
May 10, 2007
 - 6) Historic Preservation Board
May 15, 2007
 - 7) Library Advisory Board
March 21, 2007
April 18, 2007
May 16, 2007
 - 8) Parks and Recreation Board
May 8, 2007
June 5, 2007
 - 9) Pearl City Blue Ribbon Committee
April 26, 2007
May 24, 2007
 - 10) Physically and Mentally Challenged Board
May 3, 2007
 - 11) Planning and Zoning Board
April 5, 2007
April 19, 2007
May 3, 2007
June 7, 2007
June 21, 2007

- 12) Police and Firefighters' Pension Board
April 26, 2007
May 24, 2007
June 5, 2007 (Special Meeting)
- 13) Special Master
May 9, 2007
June 13, 2007
June 27, 2007
- 14) Zoning Board of Adjustment
January 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.)

4. Resolution No. 78-2007

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

(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 Items 5 through 7 will be conducted contemporaneously, as the petitions are related.)

5. Ordinance No. 4987 *(Transmittal public hearing – first of two required public hearings.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{3})

6. Ordinance No. 4989 *(Transmittal public hearing – first of two required public hearings.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.094 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential High (RH); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{2})

7. Ordinance No. 4991 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Transportation Element of the Comprehensive Plan to implement interim concurrency measures for constrained roadways; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-07-01)

8. Ordinance No. 4992 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program; providing for severability; providing for repealer; providing an effective date (SC-06-05)

9. Ordinance No. 4986

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.085 acres and located adjacent to 3499 N.W. 2nd Avenue; providing for severability; providing for repealer; providing an effective date (SC-06-09)

10. Ordinance No. 4993

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amended and restated lease agreement with the Children's Museum, Inc. for the City-owned property located at 498 Crawford Boulevard; providing for severability; providing for repealer; providing an effective date (SC-07-04)

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.)

11. Ordinance No. 4994

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of S.W. 15th Street, West of Addison Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-02)

12. Ordinance No. 4995

An ordinance of the City of Boca Raton amending Ordinance No. 4909 for certain property generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton; to revise certain conditions relating to the Dixie Highway northernmost driveway, the Federal Highway mid-driveway, the roadway concurrency build out date, and conditions previously approved by Planning and Zoning Board Resolution No. 06-16; providing for an 18 month extension to the multiple building project permit date, providing for severability; providing for repealer; providing an effective date (UC-05-04R2)

13. Ordinance No. 4997

An ordinance of the City of Boca Raton amending Section 28-337, Code of Ordinances, to provide clarification and to allow certain lots to develop and redevelop in conformance with prior zoning regulations; providing for severability; providing for repealer; providing for codification; 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.