

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON MAY 13, 2008 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
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 April 21, 2008
Minutes of the Regular Meeting of April 22, 2008

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. Airport Authority – three (3) vacancies.
- b. Airport Authority Aviation Advisory Committee – one (1) vacancy.

1) Resolution No. 56-2008

A resolution of the City of Boca Raton making an appointment to the Aviation Advisory Committee of the Boca Raton Airport Authority, subject to the limitations of authority contained herein; providing for severability; providing for repealer; providing an effective date

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. Intergovernmental Agreement

- 1) Turf Equipment (Replacement)
Requested by Recreation Services
Wesco Turf Supply, Inc. \$72,534

b. Sole Source

- 1) Bio-Diesel Fuel
Requested by Municipal Services
TransMontaigne Products Services, Inc. \$200,000

c. Resolution No. 57-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 18 with Boyle Engineering Corporation for the purpose of providing professional engineering services for surveys, designs, inspections, construction plan preparation, specifications and contract documents for N.W. 12th Avenue; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 58-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Terry Cohen, M.D., for the purpose of providing professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 59-2008

A resolution of the City of Boca Raton authorizing the City Manager or designee to execute a Phase Two Frequency Reconfiguration Agreement with Nextel South Corp. for the purpose of rebanding the City of Boca Raton's 800 MHz radio system; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 60-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with Camp Dresser & McKee Inc. for the purpose of providing consulting services for the Glades Road Water Treatment Plant rehabilitation of gravity filters project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 61-2008

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the Caribbean Conservation Corporation for the Sea Turtle 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

h. Resolution No. 62-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for three grants from the South Florida Water Management District's Alternative Water Supply Grant Program for the expansion of the reclaimed water system; authorizing the acceptance of said grants, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 63-2008

A resolution of the City of Boca Raton reaffirming the position of the City relating to the potential development of the Boca Raton Tri-Rail site; providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Minutes – May 13, 2008

- 1) Citizen's Pedestrian and Bikeway Advisory Board
January 14, 2008
February 11, 2008
- 2) Community Appearance Board
March 25, 2008
April 1, 2008
April 8, 2008
April 15, 2008
- 3) Community Relations Board
March 17, 2008
- 4) Downtown Boca Raton Advisory Committee
March 26, 2008 (Special Meeting)

- 5) Elder Affairs Advisory Board
March 5, 2008
- 6) Financial Advisory Board
February 19, 2008
March 31, 2008
- 7) Historic Preservation Board
March 18, 2008
- 8) North Federal Highway Steering Committee
February 5, 2008
- 9) Parks and Recreation Board
March 4, 2008
- 10) Planning and Zoning Board
March 20, 2008
- 11) Special Master
February 27, 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. 42-2008

A resolution of the City of Boca Raton considering the request of Camden Summit Partnership L.P. to extend the expiration date of Building Permit Number 05-8088 for the Summit project located at 131 South Federal Highway; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 5034

An ordinance of the City of Boca Raton amending Sections 19-75 and 19-77(5), Code of Ordinances, relating to appeals of decisions of the Builders' Board of Adjustment and Appeals; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 54-2008

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing a fee for appeals of decisions of the Builders' Board of Adjustment and Appeals; 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.)

6. Ordinance No. 5035

An ordinance of the City of Boca Raton amending Sections 16-31 and 16-33 of the Boca Raton Code of Ordinances to provide for parking enforcement in City, County and State parking facilities located within the City of Boca Raton; 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:

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

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.