

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 23, 2008 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 January 7, 2008
Minutes of the Regular Meeting of January 8, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

2-1-1 Awareness Week – February 11 through February 18, 2008

Wear Red Day – January 23, 2008

NOTICE

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.

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. Builders' Board of Adjustment & Appeals – five (5) vacancies; one architect, one professional engineer, one general contractor, and two at-large members.
- b. Citizens' Pedestrian & Bikeway Advisory Board – two (2) vacancies.
- c. Code Enforcement Board – two (2) vacancies.
- d. Elder Affairs Advisory Board – two (2) vacancies.
- e. Pearl City Blue Ribbon Committee – one (1) vacancy; must be a resident of Dixie Manor, Pearl City, or Lincoln Court.

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 Agreements

- 1) Automobiles and Light Trucks
Requested by Municipal Services
Alan Jay Chevrolet, Beck Auto Sales Inc., and
Duval Ford \$673,800
- 2) Sewer Cleaner Trucks (1 New & 1 Replacement)
Requested by Utility Services & Municipal Services
Sterling Western Star Trucks of Tampa \$475,770

b. Resolution No. 8-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a reimbursement agreement with Palm Beach County for the purpose of the installation of street lighting on Congress Avenue from Clint Moore Road to Delray Beach City limits; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 13-2008

A resolution of the City of Boca Raton authorizing the City Manager to submit three applications on behalf of the Boca Raton Community Hospital for a grant from the Florida Division of Emergency Management for the Pre-Disaster Mitigation 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

d. Resolution No. 14-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No.1 to the State of Florida Department of Transportation locally funded agreement for the continuation of the Transportation Management Initiative; providing for severability; providing for repealer; providing an effective date

e. Board Resignations

- 1) Resignation of John Johnson from the Marine Advisory Board

f. Receive and File Board Minutes – January 23, 2008

- 1) Community Appearance Board
November 27, 2007
- 2) Downtown Boca Raton Advisory Committee
September 19, 2007
- 3) Elder Affairs Advisory Board
November 7, 2007
- 4) Marine Advisory Board
November 7, 2007
- 5) Parks and Recreation Board
December 11, 2007
- 6) People With Disabilities
December 6, 2007
- 7) Planning and Zoning Board
September 20, 2007
October 4, 2007
November 8, 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:

4. Ordinance No. 5023 (Revised 12/20/07.) (Second of two public hearings.)

An ordinance of the City of Boca Raton approving an Amended and Restated Memorandum of Agreement with the Boca Raton Airport Authority; establishing conditional uses for non-aviation land at the Boca Raton Airport; providing for severability; providing for repealer; providing an effective date

5. Resolution No. 3-2008

A resolution of the City of Boca Raton granting conditional use approval for Columbus Networks USA fiber-optic facility (telecommunications) use on a parcel of land located at 6520 W. Rogers Circle, providing for severability; providing for repealer; providing an effective date (CA-07-15)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5025

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement, located at 1071 N.W. 4th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-08)

7. Ordinance No. 5026

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement, located at 48 East Royal Palm Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-06-09)

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. 5027

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of unimproved right-of-way for Juana Road, located adjacent to 2185 and 2198 Juana Road; providing conditions for vacation and abandonment; providing for severability; providing for repealer; and providing an effective date (AB-06-01)

9. Ordinance No. 5028

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; and 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:

10. Referendum Petition – Ocean Breeze

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.