

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 22, 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 June 9, 2008
Minutes of the Regular Meeting of June 10, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation - National Night Out - August 5, 2008 (Citizens Crime Watch)
Proclamation - Firefighter Appreciation Month – August 2008 (Muscular Dystrophy Assn)
Recognition - Paramedic of the Year (Fire/Rescue Services)
Recognition - Heart Ready City Award (American Heart Association)

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. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy.
- b. Elder Affairs Advisory Board – one (1) vacancy.
- c. Financial Advisory Board – three (3) vacancies.
- d. Historic Preservation Board – one (1) vacancy.
- e. Library Advisory Board – two (2) vacancies.
- f. Parks and Recreation Board – four (4) vacancies.
- g. Pearl City Blue Ribbon Committee – two (2) vacancies.

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) Annual Traffic Calming, Bus Shelter, Sidewalks and
Minor Road Construction
Requested by Municipal Services
Total Quality Construction \$1,280,000
- 2) Street Resurfacing (Asphalt)
Requested by Municipal Services
Community Asphalt Corporation \$499,906
- 3) Pipeline Extension Broken Sound East
Golf Course, Phase I
Requested by Utility Services
Ric-Man Construction, Inc. \$1,010,361

b. Intergovernmental Agreements

- 1) Garbage Truck (Replacement)
Requested by Municipal Services
Nextran Truck Center \$199,104
- 2) Horticultural Chemicals
Requested by Recreation Services and Utility Services
Argo Distribution d/b/a Pro Source One; BWI Companies, Inc.;
Diamond R Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer;
Helena Chemical Co.; Lesco, Inc.; Naturchem, Inc.;
Regal Chemical Company; UAP Distribution, Inc.; Univar USA \$97,211

- 3) Lift Station Repairs 17 & 68
Requested by Utility Services
W. Jackson & Sons Construction, Co. \$114,202
- 4) Underground Fuel Storage Tank Upgrades
Requested by Municipal Services
Glasgow Equipment Service, Inc. \$562,637

c. Resolution No. 84-2008

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, 2009; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 85-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with the State of Florida, Division of Emergency Management for the purpose of extending the Agreement end date; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 86-2008

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2008-09 to the United States Department of Housing and Urban Development; designating the City Manager as the Chief Executive Officer for the purpose of the Community Development Block Grant Program; authorizing the City Manager to execute all applications, certifications and documents related to said program; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 90-2008

A resolution of the City of Boca Raton ratifying the execution of a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the construction of a shared use pathway along the El Rio Canal between Yamato Road and L-40 Canal; providing for severability; providing for repealer; providing an effective date

g. Receive and File Board Orders

- 1) SM(C) Case No. 07-00004547
- 2) SM(C) Case No. 07-4993
- 3) SM(C) Case No. 07-00005790
- 4) SM(C) Case No. 08-00000059
- 5) SM(C) Case No. 08-00000972
- 6) SM(C) Case No. 08-00001203
- 7) SM(C) Case No. 08-00001347
- 8) SM(C) Case No. 08-00001348
- 9) SM(C) Case No. 08-00001617
- 10) SM(C) Case No. 08-00001640
- 11) SM(C) Case No. 07-00004825

- 12) SM(C) Case No. 07-5581
- 13) SM(C) Case No. 07-00005857
- 14) SM(C) Case No. 08-171
- 15) SM(C) Case No. 08-790
- 16) SM(C) Case No. 08-00001290
- 17) SM(C) Case No. 08-00001552
- 18) SM(C) Case No. 08-00001826

h. Receive and File Board Minutes – July 22, 2008

- 1) Builders' Board of Adjustment and Appeals
May 12, 2008
- 2) Community Appearance Board
May 20, 2008
May 27, 2008
June 3, 2008
June 10, 2008
June 17, 2008
- 3) Financial Advisory Board
April 21, 2008
- 4) General Employees' Pension Board
April 10, 2008
May 5, 2008 (Special Meeting)
May 27, 2008
- 5) Historic Preservation Board
May 20, 2008
- 6) Library Advisory Board
April 16, 2008
- 7) Marine Advisory Board
May 7, 2008
- 8) Parks and Recreation Board
May 6, 2008
- 9) Pearl City Blue Ribbon Committee
March 27, 2008
- 10) People With Disabilities
May 1, 2008
- 11) Planning and Zoning Board
May 8, 2008
- 12) Police & Firefighters' Pension Board
February 21, 2008 (Special Meeting)
March 27, 2008
April 24, 2008
May 22, 2008

- 13) Special Master
May 14, 2008
- 14) Zoning Board of Adjustment
May 7, 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.)

4. Resolution No. 83-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Raton Community High School Plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 01-04)

(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:

5. Resolution No. 80-2008

A resolution of the City of Boca Raton considering Conditional Use Approval for Smith & DeShields, to allow the construction of a new warehouse and showroom building on a parcel of land located at 181 N.W. 20th Street, as described more particularly herein; providing for severability; providing for repealer (including the repeal of Resolution No. 54-2006); providing an effective date (CA-07-19)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5040 *(First of two public hearings – no vote will be taken.)*

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, providing a definition for “Places of Worship” and “Places of Public Assembly”; amending the list of permitted and conditional uses in most zoning districts to establish a consistent treatment for Places of Worship and Places of Public Assembly; limiting Places of Worship in residential districts to sites with direct vehicular access to an arterial or collector road; replacing references to “Church” and “Places of Worship of God”; providing for Places of Worship as a permitted use in the R-3-A and R-3-C zoning districts; deleting the definition of “Private Clubs, Lodges, Fraternities and Similar Private Uses” and including said category, as well as “Theaters and Auditorium”, in the definition of Places of Public Assembly; modifying the parking requirements for Places of Public Assembly and deleting parking requirements for uses included within said category; deleting the category of “Institutions of an Educational, Philanthropic or Religious Character”; deleting “Private Clubs and Community Service Organizations” from the PUD Commercial Node and “Private Clubs” and related uses from the M-3 District and the LIRP Commercial Node; deleting “Movie Theaters” in the LIRP District; deleting “Drive-In Theaters” in the M-1 District; providing a non-conforming use provision; and making such amendments and revisions, as appropriate, to establish a consistent treatment for Places of Public Assembly and Places of Worship; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 5041

An ordinance of the City of Boca Raton amending the Land Development Code by establishing cost recovery for land development application reviews submitted under Chapters 23, 24, 26, and 28 of the Code; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 79-2008

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing user fees for cost recovery of land development reviews; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 5042

An ordinance of the City of Boca Raton relating to the regulation of nightclubs; amending Chapter 4, Code of Ordinances, providing for definitions, imposing security requirements, establishing restrictions on the presence of individuals under the age of 21 in nightclubs, and establishing related business regulations; amending Chapter 2, Code of Ordinances, to provide that violations of Chapter 4 shall fall within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

9. Resolution No. 89-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim for Richard Sakharoff (PP01-0007-PS); providing for severability; providing for repealer; providing an effective date

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.)

10. Ordinance No. 5043

An ordinance of the City of Boca Raton amending Rule 1.17 of Section 2-27, Code of Ordinances, to provide that a legally required public hearing regarding an ordinance may be held at the same City Council meeting at which the ordinance has been introduced; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 5044

An ordinance of the City of Boca Raton approving standard forms of petition related to initiative and referendum petitions; providing for severability; providing for repealer; providing an effective date

12. Ordinance No. 5045

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, to provide supplemental regulations for non-residential structures and uses in single-family residential zoning districts, including landscaping requirements, dumpster location requirements, and limiting vehicular access to only arterial or collector roads; and supplemental regulations for nonresidential structures and uses in multifamily zoning districts limiting vehicular access only to arterial or collector roads; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-03)

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 – REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

(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.) (Note: The conduct of this hearing will be governed by the “quasi-judicial procedures” attached to this agenda.)

13. Resolution No. 88-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(c)(3), Code of Ordinances, to allow an additional flat sign, where one (1) flat sign is permitted per occupancy, for AAA Insurance Agency – Auto Club South, located at 2200 Glades Road - #508; providing for severability; providing for repealer; providing an effective date (SCV-08-01)

CITY MANAGER RECOMMENDATIONS AND REPORTS:

14. Millage Notification to the Property Appraiser and Tax Collector

15. Fire Services Assessment Fee

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.