

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 23, 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 September 8, 2008
Minutes of the Regular Meeting of September 9, 2008
Minutes of the Tentative Budget Meeting of September 15, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation - Gordon J. Gilbert – Greater Boca Raton Beach & Parks District Commissioner

Proclamation - 2008 Florida Under 15 Girls State Soccer Champions

Recognition – Boca Raton Police Services Department designation as a Flagship Agency by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

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:

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. Sole Source – FY 07/08

1) Installation of Fiber Ring
Requested by City Manager
Bell South d/b/a AT&T \$65,555

b. Competitive Sealed Proposal – FY 08/09

1) Public Entity Excess Liability Insurance
Requested by Financial Services
Arthur J. Gallagher Risk Management Services, Inc. \$217,580

c. Intergovernmental Agreements – FY 08/09

1) Maintenance, Repair and Operation Supplies (MRO)
Requested by City Wide
Home Depot, Inc., Grainger, Inc., MSC Industrial Supply \$325,000

2) Office Supplies
Requested by City Wide
Office Depot \$275,000

3) Corrosion and Odor Control Products
Requested by Utility Services
Siemens Water Technologies \$461,000

d. Sole Source – FY 08/09

1) Motorola Radio System Maintenance
Requested by Police Services
Motorola \$252,102

2) H.T.E. Software Maintenance
Requested by City Manager
Sungard Public Sector, Inc. \$126,916

3) Public Safety Software Maintenance
Requested by City Manager
Sungard Public Sector, Inc. \$236,501

- e. Waiver of Procurement Procedures
- 1) Diesel and Unleaded Fuel
Requested by Municipal Services
Amerada Hess Corporation and BV Oil \$3,400,000
- f. Resolution No. 87-2008
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract with Rudolph and Kelly A. Larcada for purchase by the City of a Utility Easement over certain lands located at 127 NW 3rd Court; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 114-2008
- A resolution of the City of Boca Raton revising the travel/per diem expense policy of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 122-2008
- A resolution of the City of Boca Raton authorizing the City Manager to approve administrative changes and amendments to all Local Agency Program (LAP) Agreements and Joint Participation/Project Agreements (JPA) with the Florida Department of Transportation; authorizing and directing the City Manager to comply with the terms and conditions of the administrative changes and amendments, if accepted; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 123-2008
- A resolution of the City of Boca Raton approving and accepting an Easement Deed from Aki Makela and Kristi Makela, as trustees of the Aki and Kristi Makela Revocable Trust Agreement dated April 15, 1997, over certain lands located at 1080 N.W. 1st Avenue; providing for severability; providing for repealer; providing an effective date
- j. Resolution No. 124-2008
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to renew an interlocal agreement for law enforcement services between Palm Beach County Department of Environmental Resources Management and the City of Boca Raton for the purpose of an interlocal agreement to increase the law enforcement presence in the Palm Beach County's waterways to provide greater manatee protection; providing for severability; providing for repealer; providing an effective date
- k. Resolution No. 125-2008
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Emerald Transportation Corporation and an agreement with Vrchota Corp. for the purpose of vehicle towing and storage services on a rotating basis; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 126-2008

A resolution of the City of Boca Raton authorizing a waiver of procurement procedures, authorizing the Mayor and City Clerk to execute an agreement with Waste Management Inc. for the collection of residential solid waste; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 128-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 4 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the Boca Raton Heights Infrastructure Improvements Capital Project; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 129-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Applied Technology and Management Inc., for the purpose of pre-construction, construction and post-construction biological and physical monitoring for the South Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

o. Receive and File Board Minutes – September 23, 2008

- 1) Builders' Board of Adjustment and Appeals
July 24, 2008
- 2) Community Appearance Board
August 5, 2008
August 12, 2008
- 3) Education Advisory Board
July 28, 2008
- 4) General Employees' Pension Board
July 10, 2008
July 25, 2008
- 5) Library Advisory Board
June 11, 2008
- 6) Marine Advisory Board
June 4, 2008
- 7) Planning and Zoning Board
June 19, 2008
- 8) Police & Firefighters' Pension Board
July 24, 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:

(The public hearing on Items 4 through 6 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines as required for Resolution No. 93-2008. A separate vote will be taken on the resolution and each ordinance.)

4. Resolution No. 93-2008

A resolution of the City of Boca Raton considering Conditional Use Approval and approval of a new Master Plan for Boca Raton Community Church and Christian School located at 470 Northwest 4th Avenue; providing for severability; providing for repealer; providing an effective date (CA-05-05)

5. Ordinance No. 5048

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 4th Street located adjacent to 470 N.W. 4th Avenue, as more specifically described herein; approving and accepting a Public Utility Easement Deed from Bibletown Community Church, Inc., over certain lands located adjacent to 470 N.W. 4th Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-05)

6. Ordinance No. 5060

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Utility Easement, located at 470 N.W. 4th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-08)

7. Resolution No. 118-2008

A resolution of the City of Boca Raton considering conditional use approval to allow the construction of a new 7,500 square foot restaurant for the Glades Road Commercial Center on a parcel of land located at 2006 N.W. Executive Center Circle; providing for severability; providing for repealer; providing an effective date (CA-08-05)

8. Ordinance No. 5059

An ordinance of the City of Boca Raton rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, a parcel of land consisting of 1.08 acres more or less, located at 600 North Federal Highway, from General Business (B4) to Professional, Office and Institutional (PO&I); providing for severability; providing for repealer; providing an effective date (UC-08-02/ZC)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

(The public hearing on Items 9 and 10 will be conducted contemporaneously, as they are related. A separate vote will be taken on each ordinance.)

9. Ordinance No. 5051

An ordinance of the City of Boca Raton amending Architectural Design Policy 1.2 contained in the Amended Downtown Plan (a Community Redevelopment Plan); inserting additional architectural design policies allowing, in certain cases, an increase in height for a portion of the building or buildings on the site to a maximum height with modifications to the building setbacks, contingent upon satisfaction of specified criteria, and related policy amendments; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-08-05)

10. Ordinance No. 5052

An ordinance of the City of Boca Raton amending the Boca Raton Downtown Development of Regional Impact Development Order by adding quality downtown development regulations and related definitions; allowing, in certain cases, an increase in height for a portion of the building or buildings on a site, to a maximum height with modifications to the building setbacks contingent upon satisfaction of specified criteria; providing amendments related thereto; determining that the amendments are not subject to review as a Notice of Proposed Change; providing for severability; providing for repealer; providing an effective date (SC-08-06)

(The public hearing on Items 11 through 13 will be conducted contemporaneously, as they relate to the same parcel. A separate vote will be taken on each ordinance.)

11. Ordinance No. 5056

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a platted right-of-way located at 7598 N.W. 6th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (AB-08-03)

12. Ordinance No. 5057

An ordinance of the City of Boca Raton considering the vacation and abandonment of non-access lines, located at 7598 N.W. 6th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-08-06)

13. Ordinance No. 5058

An ordinance of the City of Boca Raton considering the vacation and abandonment of a portion of a Utility Easement, located at 7598 N.W. 6th Avenue, as more specifically described herein; approving and accepting a Utility Easement Deed from USF Propco I, LLC, over certain lands located at 7598 N.W. 6th Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-04)

14. Resolution No. 127-2008

A resolution of the City of Boca Raton implementing an electric service surcharge on water, wastewater, and reclaimed water rates and charges; providing for severability; providing for repealer; providing an effective date

15. Resolution No. 117-2008

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; 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.)

16. Ordinance No. 5064

An ordinance of the City of Boca Raton amending Chapter 12 of the Code of Ordinances relating to the Police and Firefighters' Retirement System relating to voluntary after tax DROP self contributions; providing for severability; providing for repealer; providing for codification; providing an effective date

17. Ordinance No. 5065

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Water and Sewer Easement, located at 2700 St. Andrews Boulevard, as more specifically described herein; approving and accepting a Water Easement Deed from Pine Crest Preparatory School, Inc., over certain lands located at 2700 St. Andrews Boulevard; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-08)

18. Ordinance No. 5066

An ordinance of the City of Boca Raton rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, a parcel of land consisting of 1.24 acres, more or less, located at 4805 NW 2nd Avenue (NW Boca Raton Blvd), from Professional Office & Institutional (PO&I) to Commercial (C-1); providing for severability; providing for repealer; providing an effective date (UC-99-02R1/SPA)

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.)

19. Resolution No. 119-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-118, Code of Ordinances, to permit a project sign to exceed the maximum permitted sign face to be located at 1000 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SCV-08-05)

20. Resolution No. 120-2008

A resolution of the City of Boca Raton amending Resolution 33-2003 which granted a variance from the provisions of Section 24-96(f), Code of Ordinances, to permit one (1) multiple story building sign that results in a building identity which is different from an existing sign, located at 301 Yamato Road; providing for severability; providing for repealer; providing an effective date (SCV-08-06)

21. Resolution No. 121-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(b)(1) and 24-121(2)(d), Code of Ordinances, to allow one (1) freestanding sign to exceed the sign face area of 72 square feet and the 18 foot length requirement, and ten (10) directory signs that exceed the 7 foot height requirement, for the Boca Corporate Center and Campus, located at 5000 T-Rex Avenue; providing for severability; providing for repealer; providing an effective date (SCV-08-03)

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.