

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JANUARY 13, 2009 6:00 PM

## INVOCATION:

## PLEDGE OF ALLEGIANCE TO THE FLAG:

## ROLL CALL:

Mayor Susan Whelchel  
Council Member M. J. Mike Arts  
Council Member Bill Hager  
Council Member Susan Haynie  
Council Member Michael Mullaugh

## AMENDMENTS TO THE AGENDA:

## MINUTES:

Minutes of the Regular Workshop Meeting of December 8, 2008  
Minutes of the Regular Meeting of December 9, 2008

## PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation: Douglas Heizer Day – January 13, 2009

### **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 31<sup>st</sup> 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. Boca Raton Advisory Board for People with Disabilities – one (1) vacancy.
- b. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies.
- c. Code Enforcement Board – one (1) vacancy.
- d. Community Relations Board – one (1) vacancy.
- e. Historic Preservation Board – one (1) vacancy (Historical Society designee).
- f. Pearl City Blue Ribbon Committee – one (1) 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 Bid

- 1) Body Work Repairs  
Requested by Police Services  
Brinks Auto Body Painting \$90,000

b. Intergovernmental Agreements

- 1) Microsoft Office Software Licenses  
Requested by City Manager  
Software House International \$126,833
- 2) Laptop Computers - Replacement  
Requested by City Manager  
GTSI \$101,484

c. Resolution No. 1-2009

A resolution of the City of Boca Raton announcing the regular election to be held in and for the City of Boca Raton on the 10<sup>th</sup> day of March 2009; providing for publication; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 4-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles in order to maintain online access to the Driver and Vehicle Information Database (DAVID), providing for severability; providing for repealer; providing an effective date

- e. Resolution No. 5-2009
- A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the Reclaimed Watermain Extension Project; providing for severability; providing for repealer; providing an effective date
- f. Resolution No. 6-2009
- A resolution of the City of Boca Raton approving the City's Year 2009 State Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 7-2009
- A resolution of the City of Boca Raton approving the City's Year 2009 Federal Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 8-2009
- A resolution of the City of Boca Raton authorizing the City Manager to execute an Agreement with Boca Raton Champions Golf Charities, Inc. d/b/a Allianz Championship for the purpose of providing a PGA Champions Tour Golf Tournament in Boca Raton; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 9-2009
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County for the purpose of reimbursable funding for improvements to the Boca Raton Inlet during FY 2008/09; providing for severability; providing for repealer; providing an effective date
- j. Resolution No. 10-2009
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Agreement 05PB3 with the Florida Department of Environmental Protection for the purpose of reimbursable funding for the design and permitting, construction and monitoring of the South Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date
- k. Resolution No. 11-2009
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Fourth Amendment to Agreement 03PB1, with the Florida Department of Environmental Protection, for the purpose of reimbursable funding related to the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date
- l. Receive and File Board Orders
- 1) SM(G) Case No. 08-2640
  - 2) SM(G) Case No. 08-2641
  - 3) SM(G) Case No. 08-2824
  - 4) SM(G) Case No. 08-00002898
  - 5) SM(G) Case No. 08-00003399

- 6) SM(C) Case No. 08-00003856
- 7) SM(C) Case No. 08-00004032
- 8) SM(G) Case No. 08-00004081

m. Receive and File Board Minutes – January 13, 2009

- 1) Affordable Housing Advisory Committee  
October 22, 2008  
October 29, 2008
- 2) Citizen's Pedestrian and Bikeway Advisory Board  
March 10, 2008  
April 14, 2008  
September 8, 2008  
November 10, 2008
- 3) Community Appearance Board  
October 28, 2008  
November 18, 2008  
November 25, 2008  
December 2, 2008
- 4) Downtown Boca Raton Advisory Committee  
November 5, 2008
- 5) Education Advisory Board  
October 27, 2008
- 6) Financial Advisory Board  
September 8, 2008
- 7) General Employees' Pension Board  
October 15, 2008
- 8) Library Advisory Board  
October 15, 2008  
November 19, 2008
- 9) Marine Advisory Board  
November 5, 2008
- 10) North Federal Highway Steering Committee  
October 7, 2008
- 11) Parks and Recreation Board  
September 9, 2008  
November 18, 2008 (Public Meeting)
- 12) Pearl City Blue Ribbon Committee  
July 24, 2008
- 13) People With Disabilities  
November 6, 2008
- 14) Planning and Zoning Board  
September 18, 2008

- 15) Police and Firefighters' Pension Board  
October 23, 2008  
November 7, 2008 (Disability Review Committee with Gen. Emp. Pension Bd.)
- 16) Special Master  
September 10, 2008  
October 22, 2008  
November 12, 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.)*

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*(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. 2-2009

A resolution of the City of Boca Raton considering conditional use approval to allow finger piers and dolphins in the R-5 zoning district pursuant to Chapter 22, Article III, docks and other mooring facilities, Code of Ordinances, on a parcel of land located at 725 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (CA-08-08)

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

5. Ordinance No. 5076

An ordinance of the City of Boca Raton amending Section 17-161, Code of Ordinances, authorizing the City Manager to set payment terms on impact fees due upon connection to the water and sewer system for existing building(s) and structure(s); providing for severability; providing for repealer; providing for codification; 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. 5078

An ordinance of the City of Boca Raton considering the vacation and abandonment of a portion of a public utility easement, located at 855 N.W. 6<sup>th</sup> Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-06)

7. Ordinance No. 5079

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a water and sewer easement, located at the Boca West Convenience Center, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-09)

8. Ordinance No. 5080

An ordinance of the City of Boca Raton amending the Fiscal Year 2008-2009 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

9. Ordinance No. 5081

An ordinance of the City of Boca Raton repealing Chapter 18, Code of Ordinances, relating to Vehicles for Hire; amending Chapter 8, Code of Ordinances, adding special business regulations for Vehicle for Hire companies; amending Chapter 16, Code of Ordinances, adding traffic regulations for Vehicle for Hire pickup and discharge of passengers; 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:**

10. Confirmation of Palm Beach County League of Cities Delegates.

**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.