

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON FEBRUARY 24, 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 February 9, 2009
Minutes of the Regular Meeting of February 10, 2009

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Florida Atlantic University Fighting Owls Football Team
Rose Lee Archer – Advocate for the Disabled

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. Marine Advisory Board – two (2) vacancies; one (1) for a unit owner in a condominium adjacent to an inland waterway (boater or non-boater) and one (1) for a person affiliated with the Boca Raton Coast Guard Auxiliary.

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) | Reclaimed Water Production Facility Expansion
Requested by Utility Services
R.J. Sullivan Corporation | \$4,774,300 |
| 2) | Citric Acid (Supply and Delivery)
Requested by Utility Services
Chemical Sales Corporation | \$73,480 |
| 3) | Sodium Tripolyphosphate
Requested by Utility Services
Summit Chemicals, Inc.; Ashland, Inc.;
Chemical Sales Corporation; and
Sterling Water Technologies, LLC | \$100,170 |

b. Competitive Sealed Proposal

- | | | |
|----|---|-------------|
| 1) | Custom 4-Door Triple Combination Rescue Pumpers (2) - Replacement
Requested by Fire Rescue Services
Sutphen Corporation | \$1,045,623 |
|----|---|-------------|

c. Intergovernmental Agreement

- | | | |
|----|--|-----------|
| 1) | Automated Fuel Management and Inventory System - Replacement
Requested by Municipal Services
E.J. Ward, Inc. | \$245,315 |
|----|--|-----------|

d. Emergency

- | | | |
|----|--|----------|
| 1) | Repair of Variable Frequency Drive
Requested by Utility Services
Siemens Energy & Automation | \$73,977 |
|----|--|----------|

e. Change Order

- | | | |
|----|---|-----------|
| 1) | Broken Sound Pipeline and Control System
Requested by Utility Services
Cardinal Contractors, Inc. | \$153,093 |
|----|---|-----------|

f. Resolution No. 22-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 12 with Mathews Consulting, Inc. for the purpose of providing construction management services for the Reclaimed Water Storage and Pumping Facility project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 23-2009

A resolution of the City of Boca Raton supporting House Bill 189 and Senate Bill 922 amending Section 767.14, Florida Statutes, eliminating the prohibition of breed-specific local government regulation of dangerous dogs; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 25-2009

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the State of Florida Department of Environmental Protection Agency for the State of Florida Legislative Project Grant Agreement LP8905 – City of Boca Raton Intracoastal Parallel Force Main; authorizing the expenditure of matching funds for said grant; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 26-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the School Board of Palm Beach County for the purpose of providing standards and guidelines for marquee signs; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 27-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the School Board of Palm Beach County for the purpose of providing standards and guidelines for Business Partnership Recognition Banners; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 28-2009

A resolution of the City of Boca Raton authorizing a waiver of procurement procedures, authorizing the Mayor and City Clerk to execute an agreement for consulting services with Glatting Jackson Kercher Anglin, Inc., for the purpose of providing consulting services related to the preparation and processing of a Transportation Design for Livable Communities application for Federal Highway in the downtown, developing Urban Transportation Guidelines for the downtown and related activities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 29-2009

A resolution of the City of Boca Raton approving Work Order No. 1 with Glatting Jackson Kercher Anglin, Inc., for the purpose of developing and processing a Transportation Design for Livable Communities application for Federal Highway in the downtown and developing Urban Transportation Design Guidelines for the downtown; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 30-2009

A resolution of the City of Boca Raton authorizing the Mayor to execute an agreement with the Department of the Army for the purpose of providing reimbursement for the second North Boca Raton Beach Renourishment Shore Protection Construction project; providing for severability; providing for repealer; providing an effective date

n. Board Resignations

- 1) Resignation of David J. Birkman from the Financial Advisory Board

o. Receive and File - Employee Election Certification

- 1) Election of Janice Vassell to the Board of Trustees for the General Employees' Pension Plan – term to expire March 29, 2012.
- 2) Election of James Muro to the Board of Trustees for the Police and Firefighters' Retirement System – term to expire March 29, 2011.
- 3) Election of Matt White to the Board of Trustees for the Police and Firefighters' Retirement System – term to expire March 29, 2011.

p. Receive and File Board Minutes – February 24, 2009

- 1) Community Appearance Board
January 13, 2009
January 20, 2009
- 2) Elder Affairs Advisory Board
January 7, 2009
- 3) Parks and Recreation Board
January 6, 2009
- 4) Special Master
December 10, 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. 20-2009

A resolution of the City of Boca Raton considering an amendment to the previously approved planned commercial development master plan PCD-04-02 (Resolution No. 44-2005), to delete condition no. 9, in order to eliminate the requirement to underground any new or relocated utilities for the retail development located at 1301 NW Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date (PCD-04-02R1)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 5083

An ordinance of the City of Boca Raton amending Chapter 18, Code of Ordinances, relating to Vehicles for Hire; revising the standards for approving Certificates of Public Convenience and Necessity; providing for severability; providing for repealer; providing for codification; providing an effective date

(The public hearings on Item Nos. 6 and 6.a. will be held contemporaneously as the items are related; a separate vote will be taken.)

6. Ordinance No. 5084

An ordinance of the City of Boca Raton, Florida (the "City"), authorizing, pursuant to the terms and provisions of Ordinance No. 4418 (the "Original Ordinance"), the issuance of not exceeding \$12,000,000 in Water and Sewer Revenue Refunding Bonds, Series 2009 (the "Series 2009 Bonds") to currently refund all of the City's outstanding Water and Sewer Revenue Refunding and Improvement Bonds, Series 1999, making such 2009 Bonds subject to the terms and provisions of the Original Ordinance; providing for severability; providing for repealer; providing an effective date

a. Resolution No. 19-2009

A resolution of the City of Boca Raton, Florida, authorizing a fifth series of water and sewer revenue bonds under Ordinance Nos. 4418 and 5084, designated as "Water and Sewer Revenue Refunding Bonds, Series 2009," in the aggregate principal amount of not exceeding \$12,000,000 for the purpose of paying and defeasing all of the City's outstanding Water and Sewer Revenue Refunding and Improvement Bonds, Series 1999; providing for the terms and payment for said bonds; incorporating by reference the terms and provisions of Ordinance No. 4418; establishing the maturity schedule in connection therewith; authorizing the City Manager or the Director of Financial Services of the City to publish through electronic means a summary notice of sale and to receive bids pursuant to a competitive sale of said bonds and award the sale of said bonds to the responsive bidder offering the lowest true interest cost to the City which shall not exceed five percent (5.00%); approving the execution and delivery of said bonds and appointing a bond registrar, paying agent and escrow agent; approving the form of and authorizing the execution of a registrar/paying agent agreement; approving the preparation and use of an official notice of bond sale, a preliminary official statement and final official statement; authorizing the electronic dissemination of the preliminary official statement and official statement; approving the form of and authorizing the execution and delivery of an escrow deposit agreement; providing for the rights, remedies and security of the holders of said bonds; making certain covenants and agreements in connection therewith; providing for certain other matters in connection therewith; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 5085

An ordinance of the City of Boca Raton amending Section 302.1.4 of the Supplemental Criteria and Procedural Rules of the Community Appearance Board (adopted under Ordinance No. 2110 and amended by Ordinance No. 4074) relating to mechanical equipment; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 5086

An ordinance of the City of Boca Raton amending Section 28-342 of the City Code of Ordinances providing supplemental standards for calculating roof height in single family residential districts; providing for severability; providing for repealer; providing for codification; providing an effective date

9. Ordinance No. 5087

An ordinance of the City of Boca Raton creating Section 6-15, Code of Ordinances, providing for the posting of certain campaign reports upon the City's web page; providing for severability; providing for repealer; providing for codification; providing an effective date

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

10. Resolution No. 24-2009

A resolution of the City of Boca Raton authorizing the settlement of a claim, Fednel Demosthene (AL02-0005-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.)

11. Ordinance No. 5088

An ordinance of the City of Boca Raton amending Chapter 20, Article II, Environmentally Sensitive Lands, Code of Ordinances, relating to alterations involving environmentally sensitive lands; the amendments serve to modify the procedures, eligibility and calculations related to the requirement to set aside environmentally sensitive lands and the criteria for a payment in lieu of the environmental set aside; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-05)

12. Ordinance No. 5089

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 5.934 acres, from Light Industrial (IL) to Commercial (C); providing for severability; providing for repealer; providing an effective date (UC-08-03SC)

13. Ordinance No. 5090

An ordinance of the City of Boca Raton rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, a parcel of land consisting of 5.934 acres, located at 4002 North Military Trail, from Light Industrial Research Park (LIRP) to Community Business (B-2); providing for severability; providing for repealer; providing an effective date (UC-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:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

14. Board Attendance Report (2008)

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.