

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON JULY 28, 2009 6:00 PM

## INVOCATION:

## PLEDGE OF ALLEGIANCE TO THE FLAG:

## ROLL CALL:

Mayor Susan Whelchel  
Deputy Mayor Susan Haynie  
Council Member Anthony Majhess  
Council Member Michael Mullaugh  
Council Member Constance Scott

## AMENDMENTS TO THE AGENDA:

## MINUTES:

Minutes of the Regular Workshop Meeting of June 22, 2009  
Minutes of the Regular Meeting of June 23, 2009

## PROCLAMATIONS/RECOGNITIONS/AWARDS:

26<sup>th</sup> Annual National Night Out - August 4, 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. Green Living Task Force (new) – (9) members.
- b. Community Relations Board – (2) vacancies.
- c. Financial Advisory Board – (2) vacancies.
- d. Library Advisory Board – (2) vacancies.
- e. North Federal Highway Steering Committee – (1) vacancy.
- f. Parks and Recreation Board – (3) 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) Pressure Cleaning Medians and Decorative Sidewalks  
Requested by Municipal Services  
Roof Painting by Hartzell, Inc. \$70,000
- 2) Sand Pine Park Improvements  
Requested by Recreation Services & Development Services  
Brang Construction, Inc. \$1,489,598
- 3) S.W. 18th Street Bike Lanes, Sidewalks and Water Mains  
Requested by Municipal Services & Utility Services  
Budget Construction Co., Inc. \$1,093,937

b. Intergovernmental Agreements

- 1) Horticultural Chemicals  
Requested by Recreation Services & Utility Services  
Agro Distribution d/b/a Pro Source One, BWI Companies, Inc.,  
DeAngelo Brothers, Inc., Diamond R Fertilizer Co., Inc.,  
d/b/a Atlantic FEC Fertilizer, Helena Chemical Co., Lesco, Inc.,  
Regal Chemical Company, Tampa Turf and Supply,  
Univar USA \$107,260
- 2) Vehicle Leasing Services  
Requested by Police Services  
Enterprise Leasing Company \$125,250
- 3) Laptop Computers  
Requested by City Manager  
CDW Government, Inc. \$77,514

4) Cartridge Filters  
Requested by Utility Services  
Waco Associates, Inc. \$122,550

c. Resolution No. 102-2009

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Boca 54 North, LLC, over certain lands located at 6600 North Military Trail; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 103-2009

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2009-10 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

e. Resolution No. 104-2009

A resolution of the City of Boca Raton authorizing substantial amendments to the Community Development Block Grant Program Five-Year Consolidated Plan for 2005-06 through 2009-10 and Annual Consolidated Action Plans for 2008-09, 2007-08 and 2006-07; authorizing the City Manager to execute a certification for the amendments; authorizing the Community Improvement Administrator to submit the amendments to the United States Department of Housing and Urban Development; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 107-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with the Land Stewardship Company for the purpose of renovations to Gumbo Limbo Nature Center; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 108-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County and Mizner Park Cultural Arts Association, Inc. for the purpose of providing funding of a Black Box Theater in the Mizner Park Cultural Arts Center; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 109-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Deerfield Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 110-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Delray Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 111-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Boynton Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 112-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with Palm Beach County for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 113-2009

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the Boca West Reclaimed Watermain Extension Project; providing for severability; providing for repealer; providing an effective date

m. Board Resignations

- 1) Resignation of Connie Packman from the Community Relations Board

n. Receive and File Board Orders

- 1) BBAA-09-2609
- 2) BBAA-09-2612

o. Receive and File Board Minutes – July 28, 2009

- 1) Builders' Board of Adjustment and Appeals  
March 26, 2009
- 2) Community Appearance Board  
May 26, 2009  
June 2, 2009  
June 9, 2009  
June 16, 2009
- 3) Community Relations Board  
May 18, 2009
- 4) Downtown Boca Raton Advisory Committee  
June 3, 2009

- 5) Education Advisory Board  
April 27, 2009
- 6) Executive Employees' Retirement Plan  
April 22, 2009
- 7) General Employees' Pension Board  
March 12, 2009  
April 9, 2009  
April 20, 2009 (Investment Committee)  
May 20, 2009  
June 11, 2009  
June 11, 2009 (Investment Committee)
- 8) Historic Preservation Board  
April 21, 2009
- 9) North Federal Highway Steering Committee  
March 3, 2009
- 10) Parks and Recreation Board  
June 2, 2009
- 11) Pearl City Blue Ribbon Committee  
January 22, 2009
- 12) People With Disabilities  
May 7, 2009
- 13) Planning and Zoning Board  
April 23, 2009
- 14) Police & Firefighters' Pension Board  
February 23, 2009 (Investment Committee)  
February 26, 2009  
March 26, 2009  
April 8, 2009 (Investment Committee)  
April 23, 2009
- 15) Special Master  
February 25, 2009

**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:**

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

*(The public hearings on Items 4 and 4.a. will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each.)*

4. Ordinance No. 5095 *(Revised 7/19/09 – Public Hearing continued from 6/23/09 meeting)*

An ordinance of the City of Boca Raton repealing existing Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Telecommunications Towers and Facilities” and creating a new Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Wireless Communications Facilities” relating to telecommunications towers and antennas; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 68-2009 *(Revised 7/20/09)*

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing fees relating to applications for required approvals for wireless communications facilities; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 5100

An ordinance of the City of Boca Raton; amending Sections 23-353, 23-361, 28-52, 28-54, 28-57, 28-1741, and 2-128, Code of Ordinances; requiring architectural building elevations for proposed development; requiring Community Appearance Board review of such elevations and revisions to color selections, and amending the Board’s authority to modify Development Orders; deleting approval of minor modifications by the Planning and Zoning Board; clarifying that a violation of a Development Order constitutes a Code violation; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-09-06)

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

6. Resolution No. 106-2009

A resolution of the City of Boca Raton authorizing the settlement of the claims of Daniel Elan (AL02-0004-PS) and Sonel Saint Fort (AL02-0003-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.)*

7. Ordinance No. 5101

An ordinance of the City of Boca Raton repealing Division 13, Article III, Chapter 2, Code of Ordinances, relating to the Telecommunications Advisory Board; providing for severability; providing for repealer; providing for codification; providing an effective date

8. Ordinance No. 5102

An ordinance of the City of Boca Raton amending the Code of Ordinances related to expense reimbursement for members of City boards and commissions; deleting Section 2-53, Code of Ordinances and amending Sections 2-174, 2-259, 2-272(b), 19-69, and Section 28-230, Code of Ordinances, as provided herein; 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:**

**PUBLIC HEARING – REQUEST FOR REDUCTION OF CODE ENFORCEMENT LIEN:**

9. Resolution No. 105-2009

A resolution of the City of Boca Raton considering the application of Citibank, NA Trustee for a reduction in the amount of the Code Enforcement Liens imposed in Special Master Case Numbers 07-5357 and 07-5383; providing for severability; providing for repealer; providing an effective date

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

10. Fire Services Assessment Fee

11. Millage Notification to the Property Appraiser and the Tax Collector

**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.