

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 8, 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 November 23, 2009  
Minutes of the Regular Meeting of November 24, 2009

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

***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 & Bikeway Advisory Board – three (3) vacancies.
- c. Downtown Boca Raton Advisory Committee – three (3) vacancies.
- d. Green Living Task Force – one (1) vacancy.
- e. North Federal Highway Steering Committee – five (5) 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 Bid

- 1) Reclaimed Water Pipeline Extension –  
Broken Sound West Golf Course  
Requested by Utility Services  
American Engineering & Development Corp. \$1,712,425

b. Intergovernmental Agreements

- 1) Ambulance Stretchers (Replacement)  
Requested by Fire Rescue Services  
Stryker Sales Corporation \$147,000
- 2) Roof Replacement  
Requested by Municipal Services  
Advanced Roofing, Inc. \$211,373

c. Sole Source

- 1) Radio Controlled Irrigation Equipment System Upgrades  
Requested by Recreation Services  
Contemporary Controls & Communications, Inc. \$209,080

d. Resolution No. 183-2009

A resolution of the City of Boca Raton approving the City's Year 2010 Federal Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 184-2009

A resolution of the City of Boca Raton approving the City's Year 2010 State Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 185-2009

A resolution of the City of Boca Raton canceling and rescheduling certain workshop and regular meetings in 2010, as described more particularly herein; providing for severability; providing for repealer; providing an effective date

g. Board Resignations

- 1) Resignation of Joseph Bensminen from the Boca Raton Advisory Board for People With Disabilities
- 2) Resignation of Nancy Chanin Sneider from the Environmental Advisory Board
- 3) Resignation of Bob Bettinger from the Green Living Task Force
- 4) Resignation of Brian K. Duffey from the North Federal Highway Steering Committee

h. Receive and File Board Minutes – December 8, 2009

- 1) Community Appearance Board  
October 27, 2009  
November 3, 2009
- 2) Education Advisory Board  
August 24, 2009
- 3) Historic Preservation Board  
October 20, 2009
- 4) Parks and Recreation Board  
October 6, 2009
- 5) People With Disabilities  
October 1, 2009  
October 1, 2009 (Website Link Committee)

**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 Item Nos. 4 and 4.a. will be held contemporaneously as the petitions are related; a separate vote will be taken on each item.*

4. Ordinance No. 5118

An ordinance of the City of Boca Raton amending the fiscal year 2009-2010 Budget through a Budget Amendment, relating to acquisition of property at 551 East Palmetto Park Road (Wildflower Property) from Omega Group of West Palm Beach, LP; providing for severability; providing for repealer; providing an effective date

a. Resolution No. 164-2009

A resolution of the City of Boca Raton considering a purchase and sale agreement with Omega Group of West Palm Beach, LP for the purpose of the acquisition of certain real property located in the City of Boca Raton with a street address of 551 East Palmetto Park Road, Boca Raton, Florida; authorizing the Mayor and City Clerk or the City Manager to execute documents provided for or contemplated by the agreement, and to effectuate the transaction; providing for severability; providing for repealer; providing an effective date

5. Ordinance No. 5119

An ordinance of the City of Boca Raton related to construction and demolition debris and commercial solid waste collection franchise requirements; amending Sections 14-21 and 14-22, Code of Ordinances, to clarify requirements and references with regard to container markings, reporting formats, bonds and financial statements and other provisions; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 5120

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: The School District of Palm Beach County Six Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 5122

An ordinance of the City of Boca Raton amending Section 4-2, Code of Ordinances, extending the hours for sale, delivery and consumption of alcoholic beverages; 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.)*

8. Ordinance No. 5123

An ordinance of the City of Boca Raton allowing the City Council to waive residency and elector requirements for appointment to City Boards and Commissions; 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.)*

**QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:**

*(If you are planning to speak during any of the following public hearings, please state your name and address for the record and limit your remarks to five (5) minutes. Note: The conduct of these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)*

**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 any of the following public hearings, please state your name and address for the record and limit your remarks to five (5) minutes. Note: The conduct of these hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)*

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

9. Annual Executive Performance Evaluation

**CITY ATTORNEY REPORTS:**

10. Annual Executive Performance Evaluation

**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.