

The City of Boynton Beach

100 E. Boynton Beach Boulevard • (561) 742-6000



City Commission AGENDA

JULY 3, 2007

Jerry Taylor
Mayor - At Large

Jose Rodriguez
Vice Mayor

Ron Weiland
Commissioner - District I

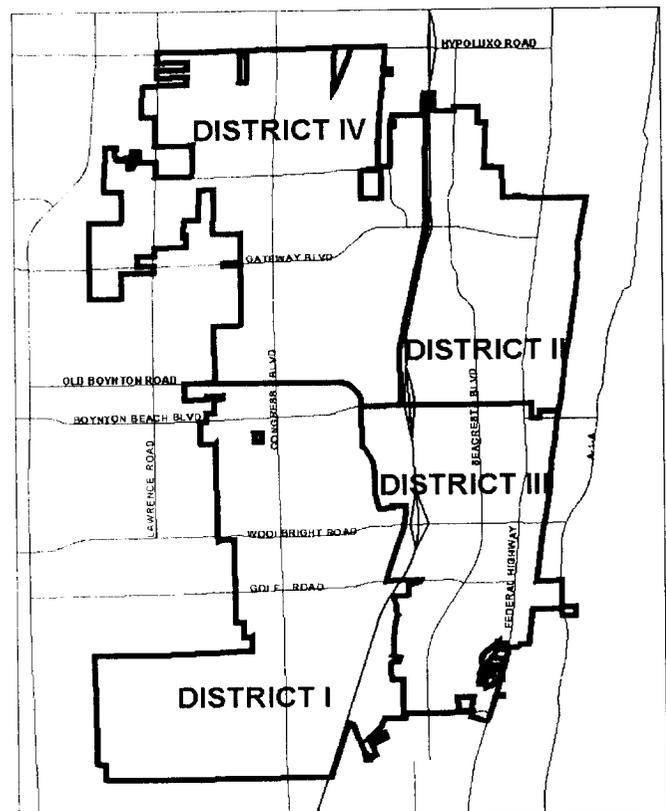
Mack McCray
Commissioner - District II

Carl McKoy
Commissioner - District IV

Kurt Bressner
City Manager

James Cherof
City Attorney

Janet M. Prainito
City Clerk



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*We're Reinventing City Living for
the Millennium*

WELCOME
Thank you for attending the City Commission Meeting

**GENERAL RULES & PROCEDURES FOR PUBLIC PARTICIPATION AT
CITY OF BOYNTON BEACH COMMISSION MEETINGS**

THE AGENDA:

There is an official agenda for every meeting of the City Commissioners, which determines the order of business conducted at the meeting. The City Commission will not take action upon any matter, proposal, or item of business, which is not listed upon the official agenda, unless a majority of the Commission has first consented to the presentation for consideration and action.

- **Consent Agenda Items:** These are items which the Commission does not need to discuss individually and which are voted on as a group.
- **Regular Agenda Items:** These are items which the Commission will discuss individually in the order listed on the agenda.
- **Voice Vote:** A voice vote by the Commission indicates approval of the agenda item. This can be by either a regular voice vote with "Ayes & Nays" or by a roll call vote.

SPEAKING AT COMMISSION MEETINGS:

The public is encouraged to offer comment to the Commission at their meetings during Public Hearings, Public Audience, and on any regular agenda item, as hereinafter described.

City Commission meetings are business meetings and, as such, the Commission retains the right to impose time limits on the discussion on an issue.

- **Public Hearings:** Any citizen may speak on an official agenda item under the section entitled "Public Hearings."
- **Public Audience:** Any citizen may be heard concerning any matter within the scope of the jurisdiction of the Commission – Time Limit – Three (3) Minutes
- **Regular Agenda Items:** Any citizen may speak on any official agenda item(s) listed on the agenda after a motion has been made and properly seconded, with the exception of Consent Agenda Items that have not been pulled for separate vote, reports, presentations and first reading of Ordinances – Time Limit – Three (3) minutes

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ADDRESSING THE COMMISSION:

When addressing the Commission, please step up to either podium and state, for the record, your name and address.

DECORUM:

Any person who disputes the meeting while addressing the Commission may be ordered by the presiding officer to cease further comments and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Commission members present.

Please turn off all pagers and cellular phones in the City Commission Chambers while the City Commission Meeting is in session.

City Commission meetings are held in the Boynton Beach City Commission Chambers, 100 East Boynton Beach Boulevard, Boynton Beach. All regular meetings are held typically on the first and third Tuesdays of every month, starting at 6:30 p.m. (Please check the Agenda Schedule – some meetings have been moved due to Holidays/Election Day).

City of Boynton Beach
REGULAR CITY COMMISSION MEETING
AGENDA

July 3, 2007

6:30 P.M.

I. OPENINGS:

- A. Call to Order – Mayor Jerry Taylor
- B. Invocation by Rev. Dr. Randall Cook – Boynton Beach Congregational Church
- C. Pledge of Allegiance to the Flag led by Mayor Jerry Taylor

- D. Agenda Approval:
 - 1. Additions, Deletions, Corrections
 - 2. Adoption

II. OTHER:

- A. Informational Items by Members of the City Commission

III. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

- A. Announcements:
 - 1. **Salute to Independence**, Wednesday, July 4, 2007, from 6:30 - 9:30 p.m. at Intracoastal Park. FREE EVENT. A concert with *Ovation Band* begins at 6:30 p.m. including a Patriotic Salute scheduled for 7:30 p.m. At 9 p.m. the world famous "Fireworks by Grucci" will light up the sky. Food and beverage vendors will be on-site.

- B. Community and Special Events:

None

- C. Presentations:
 - 1. Proclamations
 - a. Recreation & Parks Month – July, 2007

IV. PUBLIC AUDIENCE:

INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)

V. ADMINISTRATIVE:

- A. Appointment of Chair and Vice Chair of the Community Redevelopment Agency
- B. Appointments

Appointment To Be Made	Board	Length of Term Expiration Date
Mayor Taylor	Bldg. Bd of Adj & Appeals	Reg 33 mo term to 12/09 Tabled (3)
I Weiland	Bldg. Bd of Adj & Appeals	Reg 33 mo term to 12/09 Tabled (3)
III Rodriguez	Bldg. Bd of Adj & Appeals	Alt 9 mo term to 12/07
II McCray	Bldg. Bd of Adj & Appeals	Alt 9 mo term to 12/07 Tabled (3)
II McCray	Cemetery Board	Alt 9 mo term to 12/07 Tabled (3)
III Rodriguez	Code Compliance Board	Alt 9 mo term to 12/07 Tabled (3)
IV McKoy	Code Compliance Board	Alt 9 mo term to 12/07 Tabled (3)
Mayor Taylor	Community Relations Board	Alt 9 mo term to 12/07
IV McKoy	Community Relations Board	Alt 9 mo term to 12/07 Tabled (2)
III Rodriguez	Education & Youth Advisory Board	Reg 21 mo term to 12/08 Tabled (3)
I Weiland	Education & Youth Advisory Board	Alt 9 mo term to 12/07 Tabled (3)
II McCray	Education & Youth Advisory Board	Alt 9 mo term to 12/07 Tabled (3)
IV McKoy	Education & Youth Advisory Board	Stu 9 mo term to 12/07 Tabled (3)
Mayor Taylor	Education & Youth Advisory Board	Stu N/V 9 mo term to 12/07 Tabled (3)
I Weiland	Recreation & Parks Board	Alt 9 mo term to 12/07 Tabled (3)
II McCray	Veterans Advisory Commission	Alt 9 mo term to 12/07 Tabled (3)
III Rodriguez	Veterans Advisory Commission	Reg 33 mo term to 12/09 Tabled (3)
IV McKoy	Veterans Advisory Commission	Alt 9 mo term to 12/07 Tabled (3)

VI. CONSENT AGENDA:

Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments.

- A. Minutes
 - 1. Agenda Preview Conference – June 15, 2007
 - 2. Regular City Commission – June 19, 2007

- B. Bids and Purchase Contracts - Recommend Approval - All expenditures are approved in the 2006-2007 Adopted Budget.
1. Approve the piggyback on the contract of Solid Waste Authority of Palm Beach County, to PHILLIPS & JORDAN, INC. for Debris Collection and Disposal 2007 Hurricane Season. The RFP #07-240, is to be utilized as an insurance policy on an "AS NEEDED BASIS". All expenditure will be eligible for reimbursement from FEMA.
- C. Resolutions
1. **Proposed Resolution No. R07-057** RE: Approving and authorizing execution of Task Order No. U07-1-1 with Arcadis U.S., Inc., to provide engineering services related to the East Water Treatment Plant chlorine conversion project in the amount of \$67,634. ***(Tabled to July 3, 2007) (Request item be removed from agenda. Staff preparing alternative Task Order.)***
 2. **Proposed Resolution No. R07-** RE: Approving the co-location of Metro PCS on the existing telecommunications tower at the Public Works Compound (222 NE 9th Avenue).
 3. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of an Agreement for Water Service Outside the City Limits with Tom and Lisa Rispoli for the property located at 3901 89th Road South, Boynton Beach, FL.
 4. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of an Agreement for Water Service Outside the City Limits with L. Carol and Dennis Brandyberry for the property located at 3926 89th Road South, Boynton Beach, FL.
 5. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of an Agreement for Water Service Outside the City Limits with James and Linda Ford for the property located at 3927 89th Road South, Boynton Beach, FL.
 6. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of an Agreement for Water Service Outside the City Limits with The Journey Community Church, Inc. for the property located at 7648 High Ridge Road, Boynton Beach, FL.
 7. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of Amendment #4, Task Order No. 17 to CH2M Hill totaling \$70,041 for additional engineering services as the construction of

the City's Aquifer Storage and Recovery Well No. 2 (ASR-2) nears completion.

8. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of Task Order No. U07-4-2 with Camp, Dresser and McKee, Inc. (CDM) for engineering services related to the City's application for a Water Use Permit Modification in an amount not to exceed \$247,000.
9. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of the Planning Funding Agreement with Nextel Operations, Inc. for the reconfiguration of the public safety 800 MHz frequency band. There are no costs to the City association with this project.
10. **Proposed Resolution No. R07-** RE: Approving and authorizing execution of a reconfiguration planning phase agreement with Motorola, Inc.

- D. Approve reduction in surety for the project known as Colony Lake, reducing the required amount from the current value of \$300,000 downward to \$15,000.

VII. CODE COMPLIANCE & LEGAL SETTLEMENTS:

- A. Accept the Settlement Agreement between the City of Boynton Beach and Jeanne Go, M.D. and Ka Hock Go, M.D. and Go & Go, M.D., P.A. for the recovery of staff's total administrative costs and attorney's fees of \$5,000 associated with Code Compliance cases 04-2232 & 06-731.

VIII. PUBLIC HEARING: 7:00 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS

The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.

- A. Project: **HARBOR CAY (SPTE 07-006)**
Agent: Sid E. von Rospeunt, Managing Member for Harbor Cay, LLC
Owner: Harbor Cay, LLC
Location: East side Federal Highway; approximately 160 feet north of Gateway Boulevard.
Description: Request for a one (1) year site plan time extension for Harbor Cay (NWSP 06-011) approved on May 2, 2006, from May 2, 2007 to May 2, 2008. **(Tabled to July 17, 2007)**
- B. Project: **PALM COVE (SPTE 07-008)**
Agent: Bonnie Miskel of Siegel, Lipman, Duanay, Shepard and Miskel, LLP
Owner: Multiple Owners

Location: Extending between Old Dixie Highway and South Federal Highway approximately one-quarter mile north of Gulfstream Boulevard.
Description: Request for a one (1) year site plan time extension to the approval (NWSP 05-031) granted on January 3, 2006 from July 3, 2007 to July 3, 2008.

- C. Project: **LAS VENTANAS (ABAN 07-001)
(aka Uptown Lofts @ Boynton Place)**
Agent: Epoch Properties, Inc.
Owners: Epoch Properties, Inc.
Location: Extending 300 feet south of SE 12th Avenue
Description: Request for abandonment of a 50 feet wide by 300 feet long utility easement containing an area of 15,000 square feet or 0.34 acre. **(1st Reading Proposed Ordinance No. 07-)**

IX. CITY MANAGER'S REPORT:

- A. Report on negotiations with Intown Partners LLC, City and CRA — Heart of Boynton and Martin Luther King, Jr. Boulevard.
B. Update on Youth Violence Prevention Project

X. FUTURE AGENDA ITEMS:

- A. Follow up report on Utility rate alternatives – July 17, 2007
B. Appointment of Advisory Committee to name City Facility – July 17, 2007

XI. NEW BUSINESS:

- A. Discussion of water surcharge on businesses in the City **(Tabled to July 3, 2007)**
B. Resolve the issue of access and funding of access to the Ocean 95 Project

XII. LEGAL:

- A. Ordinances - 2nd Reading - Development - PUBLIC HEARING
1. **Proposed Ordinance No. 07-013** RE: Amending the Land Development Regulations (LDR), Chapter 5, PLATTING, to clarify the requirements to re-plat any previously platted property due to any reconfiguration of the property or the combining of properties to create a new development.
 2. **Proposed Ordinance No. 07-014** RE: Amending the Land Development Regulations (LDR), Chapter 6, REQUIRED

IMPROVEMENTS, to clarify the requirements applicable to development/re-development projects other than standard subdivisions.

B. Ordinances - 2nd Reading - Non-Development - PUBLIC HEARING

None

C. Ordinances - 1st Reading

None

D. Resolutions:

None

E. Other:

None

XIII. UNFINISHED BUSINESS:

- A. Discussion of disposition of Old High School (*Request postponement to August 21, 2007*)

XIV. ADJOURNMENT:

NOTICE

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT JOYCE COSTELLO, (561) 742-6013 AT LEAST TWENTY-FOUR HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.

Agenda 6/29/07 3:00 p.m.

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