

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 14, 2005
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven Abrams at 6:00 p.m.

INVOCATION:

Council Member Hager gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to amend the Consent Agenda to add three bid items, as Items 3.b.3, 3.c.2, and 3.d.1. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of May 23, 2005
Minutes of the Regular Meeting of May 24, 2005

Motion was made by Council Member Haynie, seconded by Council Member Hager, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

PRESENTATION:

Legislative Update – Representative Adam Hasner

Representative Hasner reported on the most recent legislative session saying that an anti-hazing law, which he sponsored, has been passed that outlaws hazing resulting in substantial bodily injury on high school and college campuses. He noted that the House, the Senate, and the Governor's office worked together much better this year and then spoke to the positive growth experienced by the State of Florida in terms of the economy, job growth, and real estate, all of which increased the State's budget to a record \$65 billion. He advised that \$2 million was allocated to FAU for the medical school and conversion of Boca Raton Community Hospital into a teaching hospital; over \$400,000 was allocated for beach renourishment projects; and over \$200 million was provided in tax relief. Some important issues addressed included Medicaid reform, growth management, and the manner in which the State constitution may be amended; details were provided. Representative Hasner then focused on the public education system and evinced pride in the performance of local schools with regard to the FCAT. He then answered questions from Council related to the State budget, spending, and the economy; infrastructure to support Florida's substantial growth; loss of funding for South Florida in 2004 related to the district cost differential; and the Boca Raton Inlet.

PROCLAMATIONS:

Paramedic Kevin B. Meehan Day – June 14, 2005

Mayor Abrams presented the proclamation to Mr. Meehan.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no appointments to consider.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.1. – Re-Roofing of Spanish River Park Pavilions) - A memorandum was provided; the estimated start date is August 1, 2005, with a completion date of September 1, 2005, barring unforeseen delays.

(Consent Agenda Item No. 3.c.1. – Portable Firefighting Training Building Simulator) – A memorandum was provided that provided details on how the simulator was more cost effective than off-site training.

3. Consent Agenda:

No one wished to comment on any item on the Consent Agenda.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the Consent Agenda as amended. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

a. Sealed Bid

- | | | |
|----|---|----------|
| 1) | Re-Roofing of Spanish River Park Pavilions
Requested by Municipal Services
MGI-Morgan General Mechanical Group, Inc. | \$58,822 |
| 2) | OEM Labor Rates for Chevrolet, Chrysler, Ford
and GMC Vehicles
Requested by Municipal Services
Maroone Chevrolet of Delray, Maroone Dodge
of Delray, and Maroone Ford of Delray | \$70,000 |
| 3) | Fence Installation for Sensitive Land
Rosemary Ridge
Requested by Recreation Services
Anything in Fence | \$47,022 |
| 4) | OEM Parts for Chevrolet, Chrysler, Ford and
GMC Vehicles
Requested by Municipal Services
Maroone Chevrolet of Delray, Maroone Dodge of
Delray, and Palm Beach Lincoln Mercury | \$60,000 |

b. Intergovernmental Agreement

- | | | |
|----|---|----------|
| 1) | Pavement Markings
Requested by Municipal Services
Transmark Inc. and Best Striping Inc. | \$25,000 |
|----|---|----------|

- | | | |
|--|---|-----------|
| 2) | Parking Lot Sweeper (Replacement)
Requested by Municipal Services
Atlantic Machinery Inc. | \$93,799 |
| 3) | Portable Radios and Repeater Equipment
Requested by City Manager
Motorola | \$337,598 |
| c. <u>Sole Source</u> | | |
| 1) | Portable Firefighting Training Building Simulator
Requested by Fire-Rescue Services
Fireblast 451, Inc. | \$330,500 |
| 2) | Emergency Advisory Radio System
Requested by City Manager
Information Station Specialists Inc. | \$61,125 |
| d.-1. <u>Emergency</u> | | |
| | Generators
Requested by Municipal Services
Nation's Rent, Inc. | \$43,000 |
| d.-2 <u>Resolution No. 100-2005</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Innovative Interfaces, Inc. for the purpose of replacement of the integrated library system, involving the addition of new hardware, new software, staff training, and migration of data from the current system to the new system; providing for severability; providing for repealer; providing an effective date | | |
| e. <u>Resolution No. 101-2005</u> | | |
| A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Architects Design Group, Inc. for architectural services for improvements to City facilities; providing for severability; providing for repealer; providing an effective date | | |
| f. <u>Resolution No. 102-2005</u> | | |
| A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with CH2M Hill, Inc. for the purpose of implementing multiple improvements in the area of Spanish Village, Phase II including new sanitary sewer service, replacement and/or upgrade of water mains and storm water improvements; providing for severability; providing for repealer; providing an effective date | | |
| g. <u>Resolution No. 103-2005</u> | | |
| A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Bulletproof Vest Partnership Grant Program; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date | | |

h. Resolution No. 104-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 25 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 105-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with 6751 N. Federal, LLC for the purpose of placing landscaping, decorative lighting and pavers in City right-of-way of Berkeley Street; providing for severability; providing for repealer; providing an effective date

j. Resignation

- 1) Resignation of Nancy C. Sneider from the Education Advisory Board

k. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 04-00003784
 - b) SM(G) Case No. 05-00000856
 - c) SM(G) Case No. 05-00000859
- 2) Zoning Board of Adjustment
 - a) Resolution No. BA-04-12
 - b) Resolution No. BA-04-13
 - c) Resolution No. BA-05-01

l. Receive and File Board Minutes – June 14, 2005

- 1) A1A Landscape Task Force
April 14, 2005
April 27, 2005
May 11, 2005
- 2) Citizen's Pedestrian and Bikeway Advisory Board
April 11, 2005
- 3) Community Appearance Board
May 3, 2005
May 10, 2005
- 4) Education Advisory Board
April 25, 2005
- 5) General Employees' Pension Board
March 10, 2005
- 6) Historic Preservation Board
April 19, 2005
- 7) Library Advisory Board
April 20, 2005

- 8) Planning and Zoning Board
April 7, 2005
April 21, 2005
- 9) Police & Firefighters' Pension Board
January 27, 2005
February 24, 2005
March 29, 2005
- 10) Special Master
August 11, 2004
February 9, 2005
April 27, 2005
- 11) Zoning Board of Adjustment
April 14, 2005

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

There was no business to consider.

REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

4. Resolution No. 77-2005 *(Continued from the 5/24/05 meeting)*

A resolution of the City of Boca Raton granting conditional use approval for Boca Raton Middle School, an I.T.V. Tower, and technical deviations regarding driveway design and parking stall size, on a parcel of land located at 1251 Northwest Eighth Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-09)

Mayor Abrams advised that quasi-judicial procedures would be followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Deputy Mayor Whelchel advised that she had spoken with Dr. Jeff McKee from Boca Raton High School and Don Rogers.

Development Services Senior Planner Chris Kerr addressed questions tendered in the workshop meeting yesterday. Regarding the property located just south of Boca Raton High School, he was advised by members of the School District that they had looked into purchasing same; however, it was already sold to another party. He noted that the property just mentioned had been targeted for funding from the half-cent sales tax, according to Joe Sanches, who is Chief of Facilities Management for the School District. Mr. Kerr then addressed the ITV tower, stating that the tower does not meet City Code requirements; the City and the School District will enter into an interlocal agreement to determine how the City will regulate these towers in the future.

Mr. Kerr provided a brief overview of the petition; acreage, location, and the site plan were reviewed. He explained that the western half of the site would be built first; this includes an assembly building with a gymnasium to the north. To the south would be an academic building with a cafeteria. Access would be from NW 8th Street; details were provided. The eastern half of the property, to be completed in a "second phase," would contain a baseball diamond, track field, and basketball and tennis courts. A six-foot chain link fence is proposed around the perimeter of the site. Mr. Kerr advised that the Beach & Park District approached the School Board about entering into an agreement in order to share the athletic fields; this could involve adding more lighting and additional restroom facilities on the site. He distributed proposed Condition No. 12, which was drafted to permit these types of improvements to take place at a later date and include certain restrictions and protections for the surrounding communities. Mr. Kerr then concluded his presentation.

Ron Crews, the senior project administrator charged with overseeing the Boca Raton Middle School project, made himself available for questions. Responding to Council, he explained that the School Board had met with the neighbors and listened to their concerns and tried to address them. He advised that the architect had prepared a new rendering, showing more landscaping across the north side of affected townhomes; he stated that more landscaping would be provided.

Juan Socorro, the architect, presented and reviewed new drawings and outlined the proposed revisions with regard to landscaping. Mr. Crews answered questions from Council related to raising the height of the chain link fence and confirmed that the School Board agreed with all recommendations made by City staff.

Peter Lindley, Richard Krooss, and Don Rogers opposed the petition, citing concerns over placement of the athletic fields and lighting of same, associated noise, increased traffic, and impact on property values. Eric Anderson, Albert Pena, Steven Sloodsky, Kenneth Carlson, and Laura Kaufman supported the petition, citing a critical need for athletic fields.

Council voiced concerns related to inadequacy of the landscaping/buffer at NW 8th Street. Mr. Socorro advised that the drawing before Council today was not an adequate representation of the proposed landscaping; Council confirmed with Mr. Socorro that the School Board had not yet talked with neighbors about the proposed landscaping plan and the materials to be used. David DeYoung, a Senior Planner with the School District Planning Department, advised Council that the School Board would move landscaping around the site to buffer those areas that Council felt needed more landscaping, above and beyond what was shown today. However, he stated that the landscaping costs would come out of the "cost per student station" so as landscaping is added, money is being taken away from something else.

Motion was made by Deputy Mayor Whelchel, seconded by Council Hager, to adopt Resolution No. 77-2005.

Motion was made by Deputy Mayor Whelchel, seconded by Council Hager, to amend Resolution No. 77-2005 to add language generally consistent with the following: "Additional landscaping shall be installed along NW 8th Street to create a greater buffer between the school and the adjacent homes. The petitioner shall consult with impacted homeowners and, thereafter, provide additional landscaping in a way not financially adverse to the students." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Deputy Mayor Whelchel provided a history of the events leading up to today with regard to the endeavor to purchase the six acres, located south of Boca Raton High School, for installation of athletic fields. That endeavor stretched over years and, unfortunately, culminated recently in another party purchasing the property, due primarily to the School Board delaying action. She appealed to those present to petition the City's School Board representative and the School Board to keep the commitment they made when promoting the half-cent sales tax, i.e. the purchase of land for ball fields.

In response to a question regarding how late at night teams occupy fields, Recreation Services Director Mickey Gomez stated that youth programs rarely go past 10:00 p.m.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to amend Resolution No. 77-2005 to add language generally consistent with the following: "The athletic facilities shall not be utilized after 10:00 p.m., unless a game that has been scheduled and commenced has not been completed, and lighting of said facility shall not continue longer than necessary upon cessation of said use." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

In response to a query from Mayor Abrams, the City Manager confirmed that police would be on site to monitor traffic at the commencement of school in 2006, particularly if the roads are not completed and also noted that overflow traffic could be handled at the City's Meadows Park facility by Park Rangers. Mayor Abrams advised that City does not have jurisdiction over the School District and could only put

additional conditions on the project to the extent allowed, in a cooperative effort with the School District. He added that the City would continue to urge the School Board to acquire the land previously mentioned.

The vote on the main motion, as amended and including staff's conditions, passed unanimously. Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4875

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 6751 North Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-01)

Development Services Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She explained that the petitioner wished to abandon a small, triangular-shaped public utility easement located in the southeast corner of the approved Berkeley condominium office site. The easement is currently vacant and unnecessary; therefore, the petitioner seeks to abandon same to avoid any conflict with the July 2004 master plan. All affected utilities were contacted in regard to this matter; all agreed to same with no conditions imposed. In conclusion, staff recommended approval.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4875. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

6. Ordinance No. 4877

An ordinance of the City of Boca Raton relating to the Construction and Demolition Debris Roll Off Container Services Franchise Agreements; amending Section 14-17, Code of Ordinances, to extend the term of the Franchise Agreement from one year to five years and include a provision for a performance bond; providing for severability; providing for repealer; providing for codification; providing an effective date

Municipal Services Director Bob DiChristopher gave the presentation, saying this is a housekeeping measure. Currently, there exists a one-year franchise agreement; passage of this ordinance would change it to a five-year agreement, allowing staff to return to Council every five years for the opportunity of renewal. Revenue collection would not be affected. Mr. DiChristopher stated that this amendment would also allow for inclusion of a performance bond, letter of credit, or cash, to meet the surety requirements.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4877. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

7. Ordinance No. 4878

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute Construction and Demolition Debris Roll-off Container Service Franchise Agreements with the vendors identified in Exhibit 'A', pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Municipal Services Director Bob DiChristopher gave the presentation and explained that this ordinance would allow the City to enter into five franchise agreements with five named companies for a period of five years each.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4878. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

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

There was no business to consider.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. Ordinance No. 4879

An ordinance of the City of Boca Raton amending Section 13-100, Code of Ordinances, to revise the definition of “weapon”; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

9. Ordinance No. 4880

An ordinance of the City of Boca Raton amending Chapter 9 of the Code of Ordinances, entitled “Miscellaneous Offenses”; to create Article V to be entitled “Sexual Offenders and Sexual Predators”; to prohibit sexual offenders and sexual predators convicted of crimes under certain Florida Statutes from living within 1,500 feet of specified locations within the City of Boca Raton and providing for penalties; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hager.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one wished to speak under public requests.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no reports.

CITY ATTORNEY REPORTS:

The City Attorney had no reports.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel extended sympathy to the family of Myrtle Butts-Fleming, who recently passed away, and noted Ms. Butts-Fleming’s contributions to the community.

Council Member Hager noted that he had asked the City Manager to post pictures, names, and addresses of local sexual predators/offenders on City Channel 20 and the City's website. He sought Council's support for same; there were no objections.

Council Member Baronoff stressed the importance of the Downtown Pedestrian Spine and encouraged the press to speak with Council Members to facilitate informing the public on this issue. Mr. Baronoff also expressed appreciation to the City Manager for efforts being made to provide fiscal education to interested City residents. Lastly, he commented positively on the Memorial Day observance.

Council Member Haynie spoke positively with regard to Fire Rescue Chief Bruce Silk's letter to County Fire Rescue Chief Herman Brice on the topic of the Countywide dispatch system. Ms. Haynie also advised that the grand re-opening of the Meadows Park Pool was scheduled for 7:00 p.m. on June 22, 2005.

Mayor Abrams alluded to the re-opening of the Meadows Park Pool and suggested that Council Members bring their swimsuits, saying he planned to make a "big splash."

ADJOURNMENT:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adjourn the meeting. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:55 p.m. on Tuesday, June 14, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk