

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, AUGUST 23, 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 Bill Hager
Council Member Susan Haynie

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Budget Workshop Meeting of July 25, 2005
Minutes of the Regular Workshop Meeting of August 8, 2005
Minutes of the Regular Meeting of August 9, 2005
Minutes of the Joint Meeting of City Council and
The Greater Boca Raton Beach & Park District – August 9, 2005

Motion was made to approve the minutes as presented, with the exception of the minutes for the Regular Meeting of August 9, 2005, which were corrected as follows: Page 10, last paragraph, Line 1 to read, "...that recent legislation introduced ~~passed~~ by the State would provide ~~now provides~~ for criminal penalties...." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager, and Haynie voting yes.

PROCLAMATIONS/RECOGNITIONS:

There were no proclamations or recognitions.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment and Appeals – one (1) vacancy (Electrical Contractor), due to resignation of Robert L. Welch, whose term expired 02/15/05.

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Scott G. Borchers, whose term expires 01/12/08.

There were no applicants.

- c. Education Advisory Board – two (2) student vacancies.

Alaura Akcan interviewed for a position on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Alaura Akcan to a student position on the Education Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Ms. Akcan was appointed to the Board as a student member.

- d. Financial Advisory Board – three (3) vacancies, due to term expirations of Arnold M. Straus, Charles F. Edris, and Andrew John Vissicchio, Jr., whose terms expire 08/26/05.

Sherry Fadden expressed interest in obtaining a position on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to reappoint Arnold M. Straus and Andrew John Vissicchio, Jr., and to appoint John Cappelletti, to the Financial Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Mr. Straus and Mr. Vissicchio were reappointed, and Mr. Cappelletti was appointed to the Board.

- e. Telecommunications Advisory Board – three (3) vacancies, due to term expirations of Arnold Granet, Gene Folden, and Neil Eisner, whose terms expire 09/08/05.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Arnold Granet, Gene Folden, and Neil Eisner to the Telecommunications Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Mr. Granet, Mr. Folden, and Mr. Eisner were reappointed to the Board.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.d. – Work Order No. 10 with LBFH, Inc., regarding the design of the NW 12th Avenue Capital Improvement Project) A memorandum was provided. Mr. Ahnell explained that three temporary speed humps were placed on NW 8th Street years ago in response to traffic from Boca Raton Community High School; this project proposes to construct permanent speed humps to replace the temporary ones.

3. Consent Agenda:

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to approve the Consent Agenda, as amended, to remove Item 3.e., Resolution No. 145-2005, for separate consideration immediately after the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Baronoff, Hager and Haynie voting yes.

a. Sealed Bids

- 1) Irrigation Supplies
Requested by Recreation Services
Utility Services
Hughes Supply Inc., John Deere Landscapes, Inc. \$149,256
- 2) Tree Trimming/Pruning Services & Tree
Removal/Stump Grinding Services
Requested by Recreation Services
Municipal Services
Utility Services
Zimmerman Tree Service, Superior Landscaping
& Lawn Service, & Arbor Tree & Land, Inc. \$267,000

b. Competitive Sealed Proposal

- 1) Mizner Park Property Maintenance- Renewal
Requested by Recreation Services
Rouse Property Management, Inc. \$499,790

c. Sealed Bid Renewal

- 1) Recycled Plastic Wood Picnic Tables, Trash
Receptacles & Park Benches- Renewal
Requested by Recreation Services
American Recreational Products \$27,468

d. Resolution No. 143-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with LBFH, Inc., for the purpose of providing professional engineering services for the design of the NW 12th Avenue Capital Improvement Project; providing for severability; providing for repealer; providing an effective date

f. Receive and File Board Minutes – August 23, 2005

- 1) A1A Landscape Task Force
July 6, 2005
- 2) Community Appearance Board
July 26, 2005
- 3) General Employees' Pension Board
May 12, 2005
- 4) Parks and Recreation Board
June 7, 2005

- 5) Physically and Mentally Challenged Board
July 7, 2005
- 6) Police and Firefighters' Pension Board
April 28, 2005
May 26, 2005
- 7) Special Master
June 8, 2005

e. Resolution No. 145-2005

A resolution of the City of Boca Raton encouraging the School Board of Palm Beach County to purchase property south of Boca Raton High School; directing the City Clerk to send a copy of this resolution to the Superintendent and School Board of Palm Beach County; providing for severability; providing for repealer; providing an effective date

The City Manager gave a brief presentation. He explained that, for years, there had been discussion about the School Board acquiring the six acres just south of Boca Raton Community High School. He added that the understanding behind the City's support for the half-cent sales tax referendum was that this project was included in the School Board's plans for that money. However, once the referendum was approved, the transaction never took place and, consequently, the high school remains without a baseball field. This resolution encourages the School Board to move forward and purchase the property to resolve the ball field problem. Mr. Ahnell stated that a letter was received from the School Board, indicating that their representatives had spoken with both the broker and the owner, who made their own deal, which cut out the School Board. The School Board also pointed out in their letter that it was never their intent to place a ball field on the property in question, stating that a regulation size high school baseball field would not fit on the property due to its rectangular shape. In addition, they advised that existing overhead transmission lines and a drainage culvert that bisect the high school campus limit placement of athletic facilities.

Fred Schwartz, Holly Maula, Debbie Smith, Rick Anderson, Don Rogers, Chris Palermo, Amy Winger-Francis, Dennis West, and David Dangerfield voiced support of the resolution and asked Council to urge School Board members to keep their word and stick to the promises made. Richard Krooss suggested that eminent domain procedures could be implemented to obtain the land needed.

Responding to Council, Deputy City Manager George Brown recommended adding language generally consistent with the following: Page 2, Section 1, Line 7, after "...Boca Raton High School to take such other action as may be necessary to complete Boca Raton High School in a manner similar to other high schools in the County and in accordance with the School District's approved Capital Improvement Program." Mayor Abrams explained that the intention behind this language was to prevent the School Board from taking no other action if it was unable, for any reason, to purchase the six acres. Comments from Council members focused on compelling the School Board to follow through on its obligations, one way or another.

Mr. Brown suggested adding "Whereas" clauses to clarify that: 1) the School District's Capital Improvement Program for said acquisition for facilities included funds for this property purchase, as specifically designated in their Capital Improvement Program, 2) their referendum website indicated that the proposed additional sales tax to support facilities included acquisition of adjacent property to Boca Raton High School, and 3) the School District's staff advised the Board on March 16 that they were proceeding with the property in accordance with the approved capital plan. Council agreed with the above changes in addition to eliminating the specific reference to "baseball fields," (Page 1, Line 16) in favor of "fields."

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Resolution No. 145-2005 as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

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

There were no items for consideration.

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4893

An ordinance of the City of Boca Raton amending Article V, Chapter 9 of the Code of Ordinances, entitled "Sexual Offenders and Sexual Predators"; to prohibit sexual offenders and sexual predators convicted of crimes under certain Florida Statutes from living within 2,500 feet of specified locations; to provide for the annual registration of private school bus stops; providing for a definition of private school bus stops; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney gave the presentation, explaining that these proposed amendments were discussed at the initial public hearing, which adopted the sex offender radius restrictions. Approval of this ordinance would: 1) amend the residency restriction from 1500 to 2500 feet, 2) include private school bus stops and public libraries, and 3) create a registration process for private school bus stops.

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

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4893. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

5. Ordinance No. 4897

An ordinance of the City of Boca Raton amending Section 2-153, Code of Ordinances, relating to membership of the Community Relations Board; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy City Manager George Brown gave the presentation, explaining that, if adopted, this ordinance would reduce the number of student members on the Community Relations Board from four to two. The total membership would remain at nine, with five members constituting a quorum. He advised that student recruitment and attendance has been a problem. Consequently, it has been difficult to obtain a quorum on a number of occasions. This ordinance would resolve the quorum problem and still allow students the opportunity to be involved. Mr. Brown concluded his comments and answered questions from Council.

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. 4897. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

6. Ordinance No. 4898 (Revised 8/23/05)

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, advising that there was one amendment to this ordinance since it was introduced, which was reflected in Exhibit A; there are now a total of six franchise agreements, bringing the total to 11 franchise haulers within the City for construction and demolition collection.

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4898, as revised. 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 were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

7. Ordinance No. 4894

An ordinance of the City of Boca Raton creating Chapter 25, Article V of the City of Boca Raton Code of Ordinances; establishing regulations governing the granting and operation of cable television system franchises in the City of Boca Raton; establishing minimum standards for construction, operations and maintenance of cable television systems; establishing regulations regarding all aspects of cable television systems; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Richard Krooss referred to the temporary speed humps in the neighborhood of NW 8th Street and advised that people drive around them; he asked that this be taken into consideration when the permanent speed humps are installed. Mr. Krooss also advised that people are continuing to park under the “No Parking” signs at the school, suggesting that curbing could be used to alleviate same, and then spoke to landscaping around the school.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

8. Resolution No. 137-2005

A resolution of the City of Boca Raton adopting an amended Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown gave the presentation and explained that this resolution would amend the User Fee Schedule to add fees for the issuance and/or replacement of work identification cards for managers and performing employees at adult entertainment establishments in addition to fees for applications for, and renewal of, Certificates of Use for adult entertainment establishments. Mr. Brown provided the reasons behind the need for the work identification cards and the Certificates of Use, advising that this resolution established fees for both, which were not expected to be significant. The Financial Advisory Board also reviewed this matter and recommended approval of the fees.

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 Resolution No. 137-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Automatic External Defibrillator (AED) Ordinance

Mr. Ahnell explained that this issue originally came forward last spring, at which time some business leaders expressed concern over same. Consequently, Council asked staff to work with Town Center Mall and the Chamber of Commerce. Staff has met with representatives of Town Center Mall and is seeking to meet with Chamber representatives in order to complete the direction provided by Council.

Fire Inspection Ordinance

The City Manager advised that a consultant is reviewing the fire inspection plan review process. In addition, the City is considering a fire assessment fee, which would come before Council for consideration in the fall.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel requested the status of the situation with Adelphia and questioned why it was taking so long to broadcast City Channel 20 to newly-annexed areas. Deputy City Manager George Brown explained that Adelphia informed the City that Channel 20 was being broadcast to all annexed areas; however, several residents in annexed areas subsequently advised the City that they were unable to view Channel 20. Consequently, Mr. Brown wrote to Adelphia about this issue last week. He received an acknowledgement of his letter; however, Adelphia did not outline any specific actions to rectify the problem, other than to say they were looking into it. Mr. Brown advised in his letter, which was also copied to Comcast, that it would be a condition of the approval of the transfer of the franchise from Adelphia to Comcast that this problem be resolved.

Council Member Haynie referred to correspondence received from the Santa Barbara community regarding the Glades Road improvements and asked that the entity responsible for making those improvements, the Florida Department of Transportation (FDOT), be encouraged to meet with those residents to provide information regarding a timetable for completion and impacts to the community. Ms. Haynie also advised that a "thank-you" letter was received in regard to the traffic circle at SW 13th Street and SW 12th Avenue, which appeared to assist in slowing down the traffic. She then acknowledged Kevin Wrenne and the Advent Lutheran Church congregation, for choosing to withdraw their petition in order to work with the neighbors; Mayor Abrams added that he had received a copy of the flyer being sent to the neighbors, informing them that an informational meeting would be held at Advent Lutheran Church on Tuesday, September 13, 2005 at 7:00 pm.

Mayor Abrams advised that a letter had been received from the Department of Community Affairs (DCA) about implementation of a new growth management law; he asked the City Manager to report back to Council as to how this new legislation is projected to impact the City.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:25 p.m. on Tuesday, August 23, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk