

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 12, 2007
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 6:05 p.m. Mayor Abrams noted that the scheduled start time of the meeting was delayed due to the Executive Session held prior to this meeting.

INVOCATION:

Deputy Mayor Whelchel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager

Also attending the meeting were:

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

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to amend the agenda to add Revised Resolution No. 74-2007 and Resolution No. 77-2007 to the Consent Agenda and to add 'Tri-County Humane Society Request for Release of Funds' to "City Manager Recommendations and Reports." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of May 21, 2007
Minutes of the Regular Meeting of May 22, 2007

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

National Recreation and Parks Month – July 2007

The proclamation was accepted by Recreation Services Director Mickey Gomez.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Boca Raton Housing Authority – one vacancy (must be a resident or engaged in business within the City of Boca Raton).

Brittany Spain expressed interest in serving on the Boca Raton Housing Authority.

Motion was made by Council Member Arts, seconded by Council Member Hager, to appoint Britany Spain to the Boca Raton Housing Authority. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

- b. Builders' Board of Adjustment & Appeals – one vacancy (at-large).

Fenil Patel interviewed for the vacancy.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Fenil Patel to the Builders' Board of Adjustment and Appeals. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

- c. Citizens' Pedestrian & Bikeway Advisory Board – one vacancy.

There were no applicants.

- d. Community Relations Board – two vacancies.

Motion was made by Council Member Arts, seconded by Council Member Hager, to reappoint Anne Postma and Tracy Tilson to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

- e. Education Advisory Board – four vacancies.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Gladys Granet, Linda Johnson, Barbara McManus and Thomas Vinci to the Education Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

- f. Elder Affairs Advisory Board – two vacancies.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Carole St. Cyr to the Elder Affairs Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

No appointment was made to the other vacancy.

- g. Historic Preservation Board – two vacancies (at-large) and one vacancy (must be recommended by the Boca Raton Historical Society).

Motion was made by Council Member Hager, seconded by Deputy Mayor Welchel, to reappoint Al Giachetti to the at-large position and appoint Skip Jackman as the Boca Raton Historical Society representative on the Historic Preservation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff and Hager voting yes.

- h. Library Advisory Board – three vacancies.

Motion was made by Council Member Arts, seconded by Deputy Mayor Welchel, to reappoint Donald Homer and Robert Huckshorn and appoint Jerome Alfano to the Library Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff and Hager voting yes.

- i. Parks and Recreation Board – three vacancies.

Motion was made by Deputy Mayor Welchel, seconded by Council Member Hager, to reappoint Ronald Betters, Henry Kreh and Dawn McCormick to the Parks and Recreation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff and Hager voting yes.

- j. Pearl City Blue Ribbon Committee – one vacancy (must be a resident of Dixie Manor, Pearl City, or Lincoln Court).

There were no applicants.

2. Responses to Workshop Information Requests:

The City Manager advised that responses to questions would be included in tonight's presentations.

3. Consent Agenda:

Mayor Abrams provided an opportunity for anyone from the public to comment on the Consent Agenda; no one came forward to speak.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the Consent Agenda as revised and amended and minus Item 3.c.1., which would be considered separately immediately following the vote on the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff, and Hager voting yes.

a. Sealed Bids

- 1) Preventive Maintenance and Repairs for
Air Conditioning Systems
Requested by Recreation Services
Johnson Controls Inc. \$63,223
- 2) Screenings and Grit Removal Services
Requested by Utility Services
Waste Management Inc. of Florida \$77,970

- b. Intergovernmental Agreements
- 1) Furniture (Replacement)
Requested by Police Services
Workscapes South LLC \$79,986
 - 2) Water Meter Fittings and Water Line
Accessories
Requested by Utility Services
Ferguson Enterprises, Inc. \$143,000
 - 3) Golf Course Equipment (Replacement)
Requested by Recreation Services
Wesco Turf Supply, Inc. \$131,295
 - 4) Storage Area Network
Requested by Police Services
Champion Solutions Group \$174,358
 - 5) Sodium Hypochlorite
Requested by Utility Services
Allied Universal Corporation \$179,000
 - 6) Heavy Duty Trucks (Replacement)
Requested by Municipal Services
Atlantic Truck Center \$406,045
 - 7) Furniture (New)
Requested by Recreation Services
Library Interiors of Florida, Inc. and
Workscapes South LLC \$1,200,000
- c. Sole Source
- 2) Surveillance Equipment (Replacement)
Requested by Police Services
International Surveillance Technology \$141,501
- d. Waiver of Procurement Procedures
- 1) Diesel and Unleaded Fuel
Requested by Municipal Services
Amerada Hess Corporation and BV Oil \$2,900,000
- e. Resolution No. 60-2007

A resolution of the City of Boca Raton relating to the levy of special assessments against the lands and real estate within the Downtown Special Assessment District of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 70-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Public Resource Management Group for the purpose of providing professional services in connection with the utility rate sufficiency analysis and financial consulting services; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 71-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to a Joint Project Agreement with Palm Beach County and the City of Boca Raton for the purpose of extending contract dates and deadlines; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 72-2007

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2007-08 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

i. Resolution No. 73-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with the Federal Bureau of Investigation to be a participating agency in the Joint Terrorism Task Force for the purpose of deterring, defeating, and responding vigorously to terrorism in the United States; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 74-2007 (Revised)

A resolution of the City of Boca Raton establishing the Northwest Subdistrict Working Group; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 75-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with David Plummer & Associates, Inc. for the purpose of providing professional services for a Multimodal Transit Feasibility and Funding Study; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 76-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Integrian, Inc. for the purpose of purchasing Law Enforcement Compatible In-Car Digital Video systems; providing for severability; providing for repealer; providing an effective date

m. Board Resignations

- 1) Resignation of Dorothy Guinn from the Library Advisory Board

n. Receive and File Board Minutes – June 12, 2007

- 1) Community Appearance Board
May 1, 2007
May 8, 2007
May 15, 2007
- 2) Community Relations Board
April 16, 2007
- 3) Education Advisory Board
April 23, 2007
- 4) General Employees' Pension Board
April 12, 2007
- 5) Historic Preservation Board
March 20, 2007
April 17, 2007
- 6) Parks and Recreation Board
April 10, 2007
- 7) Pearl City Blue Ribbon Committee
February 22, 2007
- 8) Physically and Mentally Challenged Board
April 12, 2007
- 9) Police and Firefighters' Pension Board
February 16, 2007 (Administrative Committee)
March 22, 2007
- 10) Telecommunications
April 9, 2007

o. Resolution No. 77-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Public Safety, Division of Emergency Management, Office of Emergency Medical Services, for the purchase of medical/rescue cardiac equipment for the Fire Rescue Services Department; authorizing the acceptance of 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

c. Sole Source

- 1) Automatic Vehicle Locator Software
Requested by Police Services
Sungard THE Inc. \$78,030

Mayor Abrams recused himself from the vote, advising that Sungard THE Inc. is a client of his law firm.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to approve Item 3.c.1. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

4. Resolution No. 68-2007

A resolution of the City of Boca Raton accepting and approving the final plat known as the Advent Lutheran Church subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-02-03)

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 68-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

5. Resolution No. 67-2007

A resolution of the City of Boca Raton granting conditional use approval for First Presbyterian Church Enrichment Center on a parcel of land located at 600 W. Camino Real, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-07-03/SPA-07-03)

Mayor Abrams advised that quasi-judicial procedure would govern the hearing; the City Clerk administered the oath to those who indicated they wished to speak. Under ex-parte disclosures, Deputy Mayor Whelchel disclosed that she had spoken to Reverend McCormick.

Development Services Planner Daryl Johnson gave the PowerPoint presentation advising that the Church is requesting conditional use and site plan approval to construct a 17,839 sq. ft. Enrichment Center that would include a youth center, gymnasium, stage and offices. Zoning and land use designations, location, acreage, and parking requirements were provided. The Planning and Zoning Board, on a 7-0 vote, and staff both recommended approval with the conditions contained therein.

Michael Moran, a neighbor whose property abuts the Church, expressed concerns regarding adequate parking, traffic, and noise abatement. He also inquired if consideration had been given to the effect on property values.

In response to Mr. Moran's questions and additional queries from Council, Mr. Johnson clarified parking requirements, noted the permitted hours for construction activity per City Code, advised that a staging plan for construction would be reviewed by the Public Works Review Committee, and confirmed that churches are a conditional use in residential areas.

Reverend Kirk McCormick, senior pastor of First Presbyterian, noted the Church's efforts to inform the two abutting neighborhoods, Royal Oak Hills and Camino Gardens, about the proposed project and detailed their efforts to address the concerns of the neighborhood. Reverend McCormick confirmed that the Church facility had made no additions or upgrades for approximately 30 years.

Seeing no one else come forward, the public hearing was closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 67-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4979

An ordinance of the City of Boca Raton amending the Fiscal Year 2006-2007 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown detailed the proposed revisions to certain budgeted revenues and expenditures in the General Fund, Housing Assistance Trust Fund, Transportation Fund and Capital Improvements Fund.

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

Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Ordinance No. 4979. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

There was no business to consider.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

7. Ordinance No. 4986

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.085 acres and located adjacent to 3499 N.W. 2nd Avenue; providing for severability; providing for repealer; providing an effective date (SC-06-09)

The ordinance was introduced by Deputy Mayor Whelchel.

8. Ordinance No. 4987

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{3})

The ordinance was introduced by Council Member Hager.

9. Ordinance No. 4988

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreational (REC) to Multifamily Residential (R3); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/ZC{3})

The ordinance was introduced by Council Member Baronoff.

10. Ordinance No. 4989

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.094 acres, more or less, located at 5800 Northwest 2 Avenue, from Recreation and Open Space (PR) to Residential High (RH); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{2})

The ordinance was introduced by Council Member Arts.

11. Ordinance No. 4990

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 3.094 acres, more or less, located at 5800 Northwest 2 Avenue, from Recreational (REC) to Multifamily Residential (R4); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/ZC{2})

The ordinance was introduced by Deputy Mayor Whelchel.

12. Ordinance No. 4991

An ordinance of the City of Boca Raton amending the Transportation Element of the Comprehensive Plan to implement interim concurrency measures for constrained roadways; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-07-01)

The ordinance was introduced by Council Member Baronoff.

13. Ordinance No. 4992

An ordinance of the City of Boca Raton amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program; providing for severability; providing for repealer; providing an effective date (SC-06-05)

The ordinance was introduced by Council Member Arts.

14. Ordinance No. 4993

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amended and restated lease agreement with the Children's Museum, Inc. for the City-owned property located at 498 Crawford Boulevard; providing for severability; providing for repealer; providing an effective date (SC-07-04)

The ordinance was introduced by Deputy Mayor Whelchel.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Richard Rossman appeared on behalf of his mother-in-law in regard to a cemetery plot for which she holds the deed. He stated that there is apparently a law or regulation that prohibits resale of the plot for more than the purchase price. As this plot was purchased for five dollars in 1928 and is now worth approximately \$2,200, Mr. Rossman inquired if a waiver could be granted. He was advised that the City Attorney would research the matter and provide a response at a later date.

Mary O'Conner, President and CEO of the Boys and Girls Club of Palm Beach County and Mary Barnes, President and CEO of Alzheimer's Community Care, appealed to City Council to continue support of their organizations when making budget decisions. Their appeal was prompted by a letter sent by the Office of

Management and Budget to the not-for-profit organizations that were funded by the City in the current fiscal year; that letter advised those organizations that the City may not be able to provide grants in the next fiscal year due to the impact to revenue from property tax reform decisions being made by the State legislature.

Lenore Stern Morris complained about lawnmower noise occurring near her residence on the first and third Mondays of each month between 7:00 and 7:30 a.m., stating that it was a City worker using the mower. She was advised that the City would investigate and, if it is a City worker, adjust the mowing schedule.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

15. Millage Notification to the Property Appraiser and Tax Collector

Due to the fact that Council will not be meeting again until mid-August, the City Manager explained that he is requesting authorization to set the maximum millage rate for Fiscal Year 2007/2008. He confirmed that once the rate is set that will go out in the TRIM notice, the rate can't be raised but can be lowered.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to delegate authority to the City Manager to set the maximum millage rate for Fiscal Year 2007/2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

16. Fire Services Assessment Fee

Mr. Ahnell requested that Council grant him authority to set the maximum fee for Fiscal Year 2007/2008.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to delegate authority to the City Manager to set the Fire Services Assessment Fee for Fiscal Year 2007/2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

17. Tri-County Humane Society – Request for Release of Funds

Mr. Ahnell explained that the Tri-County Humane Society has made a request for disbursement of \$16, 203.75 from the Perpetual Care Fund in order to complete cleanup of hurricane damage to the pond area adjacent to the Pet Cemetery. The fund, from which \$2,000 is disbursed monthly, has a current balance of \$84,069.25. Staff has reviewed the request and found it to be appropriate.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the requested disbursement. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had no reports.

MAYOR AND COUNCIL MEMBER REPORTS:

The Mayor and Council Members had no reports. However, they noted that while they would not meet again until August, they would continue to carry out other City-related duties in the interim.

ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned without objection at approximately 7:15 p.m. on Tuesday, June 12, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk