

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MARCH 27, 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 6:00 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 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 Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 34-2007 to the Consent Agenda and Ordinance No. 4975 under "Regular Business – Part V - Introduction of Ordinances." 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 March 12, 2007
Minutes of the Regular Meeting of March 13, 2007

Motion was made by Council Member Baronoff, 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 Arts, Baronoff, and Hager voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

There were no proclamations, recognitions, or awards.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. General Employees' Pension Board – two (2) vacancies due to term expirations.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to reappoint Linda Davidson and Lewis Sarrica to the General Employees' Pension Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Davidson and Mr. Sarrica were reappointed to the Board.

- b. Planning and Zoning Board – two (2) vacancies due to term expirations.

Grace Johnson and Keith O'Donnell expressed interest in reappointment.

Motion was made by Council Member Hager, seconded by Council Member Arts, to reappoint Grace Johnson and Keith O'Donnell to the Planning and Zoning Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Johnson and Mr. O'Donnell were reappointed to the Board.

- c. Police and Firefighters' Pension Board – two (2) vacancies due to term expirations.

Mayor Abrams noted that Peter McCallister had withdrawn his application.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Steven Tubbs and to reappoint Merv Timberlake to the Police and Firefighters' Pension Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Tubbs was appointed and Mr. Timberlake was reappointed to the Board.

- d. Zoning Board of Adjustment – three (3) vacancies due to term expirations.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to reappoint John Capeller, Alfred Gladstone, and Scott MacLaren to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Capeller, Mr. Gladstone, and Mr. MacLaren were reappointed to the Board.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.a.1. – Property Insurance (Renewal)) A memorandum was provided. Responding to yesterday's question as to whether the pricing on the property insurance renewal was competitive, the City Manager first provided some background information. Referring to the memo, he then advised that 22 insurance companies, conducting business in the State of Florida, were contacted. He added that the City's insurance policy is comprised of many different "levels of insurance;" insurance companies bid on the different parts. The City then reviews the most competitive pricing offered by those companies for each of the different layers of insurance, which is how the City arrived at the complete coverage before Council for consideration this evening.

3. Consent Agenda:

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

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt the Consent Agenda, as amended. Motion carried unanimously; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Arts, Baronoff and Hager voting yes.

a. Competitive Sealed Proposal

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|----|---|-------------|
| 1) | Property Insurance - Renewal
Requested by Financial Services
Beacon Group, Inc. | \$1,684,830 |
|----|---|-------------|

b. Intergovernmental Agreement

- | | | |
|----|---|-----------|
| 1) | Trailer Mounted Generator (New)
Requested by Recreation Services
Standby Systems Inc. | \$63,323 |
| 2) | Mobile Sound Stage Trailer (New)
Requested by Recreation Services
Century Industries | \$121,084 |

c. Resolution No. 33-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Royal Palm Improvement Association, Inc. for the purpose of placing speed humps in City right-of-way of Thatch Palm Drive and Maya Palm Drive in Royal Palm Yacht and Country Club; providing for severability; providing for repealer; providing an effective date

d. Board Resignation

- | | |
|----|---|
| 1) | Resignation of Richard Middlebrook from the Advisory Board of the Physically and Mentally Challenged. |
|----|---|

e. Receive and File Board Minutes – March 27, 2007

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| 1) | Boca Raton Advisory Board for the Physically and Mentally Challenged
February 1, 2007 |
| 2) | Community Appearance Board
February 27, 2007 |
| 3) | Education Advisory Board
January 22, 2007 |
| 4) | Elder Affairs Advisory Board
February 7, 2007 |

- 5) Executive Employees' Retirement Plan Board of Trustees
April 21, 2006
December 5, 2006
- 6) Financial Advisory Board
January 29, 2007
- 7) Library Advisory Board
January 17, 2007
- 8) Marine Advisory Board
February 7, 2007
- 9) North Federal Highway Steering Committee
February 6, 2007
- 10) Parks and Recreation Board
February 6, 2007
- 11) Planning and Zoning Board
January 4, 2007
January 18, 2007
- 12) Special Master
November 22, 2006
December 13, 2006
- 13) Telecommunications Advisory Board
February 5, 2007

f. Resolution No. 34-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Agriculture and Consumer Services, for the purpose of obtaining a 2007 Urban and Community Forestry Grant for GPS data collection of trees and palms; 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

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

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 Baronoff, seconded by Council Member Hager, to approve the Quasi-Judicial Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

4. Resolution No. 32-2007

A resolution of the City of Boca Raton accepting and approving the final plat known as the Blue Lake Residential subdivision plat, and authorizing the Mayor and City Clerk to execute the plat and a contract for the construction of required public improvements; providing for severability; providing for repealer; providing an effective date (UC 05-02)

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4974

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Lake Maintenance Easement and a Lake Access Easement, located at 1601 Clint Moore Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-03)

Property Specialist/Appraiser Lynn Bodor gave the presentation, explaining that this was a request for abandonment of a 20-foot wide Lake Maintenance Easement that surrounds a water retention area and a 6-foot by 20-foot Lake Access Easement that connects to the Lake Maintenance Easement. Citing prior approvals granted by both the City Council and the Planning and Zoning Board, Ms. Bodor advised that these various ordinances and resolutions cumulatively granted approval for land use changes, rezoning, new construction, and modifications to the existing building known as Boca Raton Medical and Surgical Specialists. Part of the modifications included removal of the water retention area and a redesign of that area as a drop-off to accommodate medical patients. Consequently, abandonment of the easements associated with the retention area is required. The Directors of Municipal Services and Utility Services were contacted and support the abandonment with no conditions imposed.

Richard Brooks, the architect associated with this project, asked for Council's approval. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to adopt Ordinance No. 4974. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

5.a. Ordinance No. 4975

An ordinance of the City of Boca Raton codifying reasonable accommodation procedures pursuant to the Fair Housing Amendments Act and Title II of the Americans with Disabilities Act; 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:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

6. Resolution No. 30-2007

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to advertising fees; providing for severability; providing for repealer; providing an effective date

Planning and Zoning Director Carmen Annunziato gave the presentation, providing brief background information on this item, which would allow for noticing of public hearings related to development in both the Boca Raton News and the Sun Sentinel; currently, the City advertises only in the Boca Raton News. He advised that staff was directed to bring the resolution before the Federation of Homeowners for input; staff complied and the Federation members overwhelmingly supported advertising in both newspapers. This resolution would amend the User Fee Schedule to provide for advertising in the Boca Raton News and the Sun Sentinel. Mr. Annunziato concluded his presentation and answered questions from Council.

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

Staff responded to questions regarding the composition of the ads, whether they were “eye-catching,” and whether people actually read them. Mr. Annunziato advised that they are basic legal ads, made up of text and maps. Discussion followed with a focus on the substantial increase in costs to advertise in more than one newspaper.

Council was divided as to whether the cost incurred to advertise in the Sun Sentinel was justified. Those in opposition stated that the City was currently meeting statutory and Code requirements, noting that public hearings are published in the Boca Raton News, posted on Channel 20 and the website, as well as posted on the property, itself. In addition, the increase in cost would be an additional burden to the individual homeowner seeking, perhaps, an appeal or historic designation. Those in support cited the input provided by the Federation of Homeowners and indicated that the Sun Sentinel, with its expanded readership, would provide another avenue of information.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 30-2007. Motion carried 3-2; Deputy Mayor Whelchel, Council Members Baronoff and Hager voting yes. Mayor Abrams and Council Member Arts voting no.

QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

7. Draft Letter to Boca Raton Restaurants regarding Trans Fats

Mr. Ahnell advised that a draft letter was created for Council’s consideration, based on direction given at a prior meeting.

Council Member Baronoff acknowledged that many products used in food preparation are unhealthy; he also acknowledged that a government ban on trans fats was not the answer, stating that people have the right to choose. However, he added that all information available shows that trans fats block blood vessels, increase cholesterol, and raise the risk of heart attack. Mr. Baronoff then reported on responses he obtained from various people and organizations in regard to the letter the City was proposing to send out to restaurants; details were provided. He concluded his comments by advising that this letter comprised a suggestion and nothing more.

Council generally agreed that a voluntary approach was acceptable. However, Council Member Hager was in opposition, stating that it was inappropriate for the City, which does not regulate health, to pick out

one ingredient and tell purveyors of food to stop using this ingredient; additional details were provided. He acknowledged that trans fats are unhealthy but advised that many other items in food are equally unhealthy. Discussion followed; the City Clerk was asked to read the letter into the record to ensure that everyone understood what Council would be voting on.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, directing the City Manager to: 1) edit the letter, which advocates voluntary elimination of trans fats in the preparation of food, to add the word, "artificial" before "trans fats," and 2) to sign the letter on behalf of the City of Boca Raton. Motion carried 4 –1; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts and Baronoff voting yes. Council Member Hager voted no.

Recreation Impact Fee

Mr. Ahnell advised that he had information in response to a question tendered at yesterday's workshop. Council Member Arts indicated that a report was not necessary at this time and suggested instead that: 1) Council consider amending the User Fee Schedule related to the Parks and Recreation Impact Fee to increase the first tier of residential square footage from 601 – 799 square feet to 700 – 799 square feet, and/or 2) Council take up this item at the upcoming goal setting session. Mr. Arts reasoned that young people wanting to increase their kitchens or bathrooms - not add space/bedrooms to accommodate a larger family – would not impact the City's parks and recreation facilities because the number of people living in the home would remain the same. Consequently, he believed the current fee imposed was an unintended consequence of the original legislation and a burden on young people.

Staff was directed to bring back an action item related to the above for consideration on a future agenda.

Repaving of A1A

The City Manager advised that this DOT (Department of Transportation) project, which extends from the Broward County line to Spanish River Boulevard, was expected to begin April 9, 2007; appropriate notices would be sent out.

Property Tax Update

Mr. Ahnell explained that the House Finance Committee came up with a number of recommendations, three of which are different sales tax options; details were provided. In addition, the Senate Democrats discussed their plan today, which was also made up of many proposals. At this time, none of the proposals/recommendations have taken the lead, so to speak; since the session ends May 4, 2007, something more concrete should be forthcoming from the Legislature in the next few weeks.

West Boca Annexation Issue

Responding to Council Member Arts, Mr. Ahnell clarified that neither the City of Parkland nor West Boca residents support extending University Drive. Apparently, Broward County has no plans for road improvements in that area and the question arose as to why traffic should be funneled back into Boca Raton when Broward County would not be making improvements. Consequently, it appears that the legislation will be amended to remove the road extension; it would then become the responsibility of the developer to speak with DCA in regard to any extension. Council Member Baronoff asked for a copy of a traffic study, which concluded that not constructing the extension would result in less traffic on Glades Road; the City Manager is to follow up.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Baronoff advised that the Palm Beach County Commission appointed him to serve on the Health Facilities Authority, which regulates financial transactions of health care facilities in the County and looks at their plans. Consequently, he provided notice that he would be unable to continue to represent the City on the MPO (Metropolitan Planning Organization).

On the topic of City Boards and appointments, Mr. Baronoff suggested that, on a periodic basis, the Chairman of a Board or Committee be chosen to report to Council on the business being conducted by that body; in this way, Council might be better informed. Mr. Ahnell explained that staff was currently working on a plan to consolidate the Boards. It was surmised that, once staff provides a recommendation(s), Board representatives would come forward to speak at that time.

Deputy Mayor Whelchel advised that she would provide Council with information related to "green buildings." Mayor Abrams added that in addition to considering some type of incentive for constructing green buildings, the City might also wish to consider providing an incentive for buildings utilizing solar energy. Mr. Ahnell reported on one green building, located at Congress Avenue and Yamato Road, currently going through the process and advised that the contractor was awaiting final traffic approvals from the County. Once those are obtained, the item would be forthcoming to Council.

Ms. Whelchel referred to the many programs for the elderly that are sponsored by the City's police department and questioned whether the Elder Affairs Advisory Board was connected in any way with same. Mr. Ahnell indicated that the Board's liaison was a member of the police department for that very reason.

Mayor Abrams referred to the discussion that took place earlier this evening in regard to advertising fees (Resolution No. 30-2007) and clarified that, in addition to advertising proposed land development changes in the paper and on Channel 20, the City also sends mailed notices to property owners living within 500 feet of the subject property.

Mayor Abrams then asked the City Manager when the traffic signal on Military Trail near the Fairfield subdivision would be activated, noting that another accident occurred there today at that intersection. Mr. Ahnell is to follow up.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:59 p.m. on Tuesday, March 27, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk