

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, JUNE 23, 2009  
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 6:00 p.m.

**INVOCATION:**

Council Member Scott gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Susan Whelchel  
Deputy Mayor Susan Haynie  
Council Member Anthony Majhess  
Council Member Michael Mullaugh  
Council Member Constance Scott

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to amend the agenda to add Resolution Nos. 99-2009 and 100-2009 to the Consent Agenda as Item Nos. 3.q. and 3.r. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

**MINUTES:**

Minutes of the Regular Workshop Meeting of June 8, 2009  
Minutes of the Regular Meeting of June 9, 2009

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

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

There were no proclamations, recognitions, or awards.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:
  - a. Community Appearance Board – one (1) vacancy.

Yaniv Alcalay interviewed for the position.

*Motion was made by Council Member Mullaugh, seconded by Council Member Scott, to appoint Krsto Stamatovski to the Community Appearance Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

Mr. Stamatovski was appointed to the Board.

- b. Community Relations Board – two (2) vacancies.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to reappoint Deborah Carman to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

Ms. Carman was reappointed to the Board.

- c. Education Advisory Board – three (3) vacancies.

Elizabeth Ross interviewed for a position. Seeing no one else come forward to speak, the floor was then opened for nominations.

Council Member Majhess nominated George Gershon, Elizabeth Ross, and Fred Schwartz. Council Member Scott nominated Jeff Snow. Nominations were then closed without objection.

In the voting: Mayor Whelchel voted for Jeff Snow, Fred Schwartz, and Elizabeth Ross; Deputy Mayor Haynie voted for Jeff Snow, Fred Schwartz, and George Gershon; Council Members Majhess and Mullaugh voted for George Gershon, Elizabeth Ross, and Fred Schwartz; and Council Member Scott voted for George Gershon, Fred Schwartz, and Jeff Snow.

Mr. Schwartz was reappointed, and Mr. Gershon was appointed, to the Education Advisory Board. Seeing that Ms. Ross and Mr. Snow received three votes each, Council then voted to break the tie.

In the voting: Mayor Whelchel voted for Jeff Snow; Deputy Mayor Haynie and Council Members Majhess, Mullaugh, and Scott voted for Elizabeth Ross.

Ms. Ross was appointed to the Education Advisory Board.

- d. North Federal Highway Steering Committee – one (1) vacancy.

There were no applicants.

- e. Zoning Board of Adjustment – one (1) vacancy.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to appoint Kerry Koen to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

Mr. Koen was appointed to the Board.

## 2. Responses to Workshop Information Requests:

The City Manager advised that questions raised at yesterday's Workshop meeting would be answered in tonight's presentations or forthcoming in memo form at a later date.

3. Consent Agenda:

Mayor Whelchel provided an opportunity for members of the public to comment on the Consent Agenda; no one came forward to speak.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to approve the Consent Agenda, as amended. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

a. Sealed Bid

- |    |  |           |
|----|--|-----------|
| 1) | Wastewater Sludge Polymer<br>Requested by Utility Services<br>Polydyne, Inc. | \$278,700 |
|----|--|-----------|

b. Competitive Sealed Proposal

- |    |  |          |
|----|--|----------|
| 1) | Fire Alarm Monitoring, Maintenance, Testing/Inspection and Repairs<br>Requested by Municipal Services<br>Siemens Building Technologies, Inc. | \$70,820 |
|----|--|----------|

c. Intergovernmental Agreement

- |    |  |           |
|----|--|-----------|
| 1) | Heavy Duty Trucks (Replacements)<br>Requested by Recreation Services and Utility Services<br>Atlantic Truck Center | \$303,689 |
| 2) | Sodium Hypochlorite<br>Requested by Utility Services<br>Allied Universal Corp.                                     | \$200,000 |

d. Resolution No. 87-2009

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Lynn Financial Center, LLC, over certain lands located at 1825 N.W. Corporate Boulevard; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 88-2009

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

f. Resolution No. 89-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Transportation for the purpose of Luxuria Condominiums beautification within State Road A1A from Mile Post 0.390 to 0.453; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 90-2009

A resolution of the City of Boca Raton recognizing the "Building Citizenship in the Community: Back to Basics" initiative of the Florida League of Cities, Inc., and expressing support for this statewide effort; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 91-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute and accept beach storm damage reduction easement deeds from property owners within the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 92-2009

A resolution of the City of Boca Raton approving and adopting the report of the Goal Setting Session of April 29-30, 2009, and the 2009-2024 Strategic Plan, including the Action Agenda for 2009-2010; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 93-2009

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

k. Resolution No. 94-2009

A resolution of the City of Boca Raton creating the Green Living Task Force; providing membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 95-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for legal services relating to labor and employment law issues with Ward, Damon, Posner, Pheterson & Bleau, PL; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 96-2009

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Energy for the American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grants – Formula Grants Program; 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

n. Resolution No. 98-2009

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 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2009 Local Solicitation; 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

o. Board Resignations

- 1) Resignation of James Matthews from the Community Appearance Board
- 2) Resignation of James Sunshine from the Community Relations Board

p. Receive and File Board Minutes – June 23, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
April 13, 2009
- 2) Community Appearance Board  
May 12, 2009  
May 19, 2009
- 3) Downtown Boca Raton Advisory Committee  
May 20, 2009
- 4) Environmental Advisory Board  
February 18, 2009 (Special Meeting)
- 5) Library Advisory Board  
March 18, 2009
- 6) Parks and Recreation Board  
May 5, 2009
- 7) Planning and Zoning Board  
February 19, 2009  
March 5, 2009
- 8) Special Master  
April 8, 2009

3.q. Resolution No. 99-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the first amendment to an agreement with Ashbritt, Inc. for the purpose of extending the agreement and continuing to provide certain disaster recovery services; providing for severability; providing for repealer; providing an effective date

3.r. Resolution No. 100-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract with Ashbritt, Inc. for the purpose of providing hurricane/disaster debris removal, reduction and disposal services; providing for severability; providing for repealer; providing an effective date

**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:**

4. Resolution No. 83-2009

A resolution of the City of Boca Raton considering conditional use approval to allow a convenience store within an existing service station for Coastal Gas Station; located at 199 NW 20<sup>th</sup> Street; providing for severability; providing for repealer; providing an effective date (CA-09-02)

The City Attorney reviewed the quasi-judicial procedure to be followed; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Senior Planner Susan Lesser gave the PowerPoint presentation, stating that this was a petition requesting conditional use approval and site plan approval to allow a 1,706 square foot convenience store within an existing service station and to reconfigure the existing parking lot; no modifications to the existing building footprint were proposed. However, two technical deviations regarding driveway corner spacing and driveway reservoir distance were also being requested. Information related to acreage, location, zoning, and future land designation was provided.

Ms. Lesser explained that the applicant planned to reconfigure the parking lot to meet City Code and ADA requirements and to move the existing gas pump from the western property line to the three existing pumps located to the south of the existing structure. Two future cross-access connections would also be installed - one on the eastern property line to connect to an existing business and one on the western corner of the property to provide a connection north of the site once it is redeveloped. Additional information was also provided regarding six reconfigured parking spaces, landscaping, an updated façade, and a new 5-foot wide accessible route to the entryway; traffic, site access, and parking, were addressed as well.

At this time, Ms. Lesser reviewed the two technical deviations related to access management of driveway corner spacing (Chapter 23-191(c)) and reductions in driveway reservoir distance (Chapter 23-190(d)); details were provided. The City's Traffic Engineer reviewed the justifications for the technical deviations and supported same. In conclusion, the Planning and Zoning Board approved the site plan in May 2009 and recommended approval of the conditional use approval with the conditions listed in the resolution, as did Development Services staff.

Nic Beecher with Pinnacle Engineering responded to a comment by Council Member Mullaugh, advising that the service bay being removed was not in use now.

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

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to adopt Resolution No. 83-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

5. Resolution No. 84-2009

A resolution of the City of Boca Raton considering conditional use approval to allow four (4) storage tanks (2 above ground and 2 below ground) adjacent to the building at 5800 NW Park of Commerce Boulevard for the Biotest facility located at 5800 and 5900 NW Park of Commerce Boulevard; providing for severability; providing for repealer; providing for an effective date (CA-09-05)

The City Attorney advised that quasi-judicial procedure would govern the public hearing; the City Clerk administered the oath to those who indicated they wished to speak. Mayor Whelchel advised that she had visited the Biotest facility; Council Member Majhess advised that he spoke with one of the fire inspectors who reviewed plans.

Development Services Principal Planner Jim Bell gave the PowerPoint presentation, advising that this was a request for conditional use approval and site plan approval to allow four storage tanks (two above ground and two below ground) containing flammable or combustible liquid for the Biotest facility. A fifth above ground storage tank does not require Council or Planning and Zoning Board approval, as it will not contain flammable liquid. All the tanks would abut the building located on the southern portion of the site that has an LIRP zoning designation. Information related to zoning and a brief history of the site followed.

Mr. Bell explained that the applicant proposed to install the underground and above ground tanks at the rear of the southern building, adjacent to an existing loading dock. The above ground tanks would hold 12,000 gallons of ethanol and 12,000 gallons of diesel fuel oil. The below ground tanks would hold 25,000 gallons of waste ethanol and 15,000 gallons of fire sprinkler water. There followed an explanation as to the uses for each tank. Mr. Bell added that the location of the tanks was contingent upon the applicant providing a Hazard Analysis and Fire Water Flow and Foam Flow Analysis to the City's Fire/Rescue Department. Essentially, if any of the analyses shows that adequate fire water flow or exposure protection cannot be established, then this approval becomes null and void; details were provided. Additional information related to the tank enclosures and elevations was also reviewed.

The Planning and Zoning Board reviewed this application in June 2009 and recommended approval of the conditional use, as well as voting to approve the site plan with the conditions as proposed by staff. Specifically, revisions were made to Planning & Zoning Board Resolution No. 09-11 (Exhibit A to Resolution No. 84-2009) regarding Section 3 – "Expiration of Approval," relating to the storage tanks; and Section 2 – "Conditions of Approval," Conditions 10, 11, and 16, relating to the fire flow analysis, the hazard analysis, and the County's preserve management practices, as performed by their Environmental Research Management (ERM) Department, respectively. In conclusion, staff recommended approval of the resolution as revised June 18, 2009. Mr. Bell then answered questions from Council.

Dan D'Aquila, with CDI Engineering and Life Sciences on behalf of Biotest Pharmaceuticals, confirmed with Council that everything discussed today related to adding to what already exists; nothing new was being added to the site.

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

*Motion was made by Council Member Mullaugh, seconded by Council Member Scott, to adopt Resolution No. 84-2009, as revised 6/18/09 (Exhibit A). Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

6. Resolution No. 85-2009

A resolution of the City of Boca Raton approving modifications to the approved Planned Unit Development, with a Master Plan, for Woodfield Country Club, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-85-08R1)

a. Resolution No. 86-2009

A resolution of the City of Boca Raton granting Tentative Plat Approval to the Woodfield Country Club Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-09-02)

The City Attorney advised that quasi-judicial procedure would govern this contemporaneous public hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Senior Planner Susan Lesser gave the PowerPoint presentation, stating that this was a request to modify the existing guard house and Yamato Road entryway into Woodfield Country Club, located at 3150 Northwest 55<sup>th</sup> Diagonal; information related to zoning and future land use map designation was provided. Ms. Lesser explained that the proposed renovations included demolition of the existing guard house, construction of a new guard house, reconfiguration of the northbound ingress lanes along a portion of Northwest 55<sup>th</sup> Diagonal, reconfiguration of the southbound egress lanes, and a new nine-foot tall fountain at the Yamato Road entryway. Details were provided on the new two-story guard house, the visitor lanes, roadway improvements, parking, and traffic.

Ms. Lesser then spoke to the tentative plat, noting that the applicant was requesting a replat of a portion of Tract T-1 and Tract T-2 north of the Yamato Road entryway, which would provide additional road tract area to allow for the proposed entrance modifications. She also advised that the proposed modifications would affect a portion of an existing seven-acre platted preservation area. Research revealed that the original Master Plan approval required a five-acre environmental set-aside. Since the existing platted preservation area affected by these modifications did not contain any native habitat and the acreage reflected on the existing plat is inconsistent with the previous approval, staff recommended that only the five-acre area containing the wetlands should be platted as preservation, as part of this replatting request.

The Planning and Zoning Board reviewed this petition in June 2009 and recommended approval, as did staff with the conditions outlined in the accompanying resolution. Ms. Lesser then answered questions from Council and clarified the Planning and Zoning Board vote, which was 6-0 as opposed to 7-0.

Alejandro Vasquez, the civil engineer and landscape architect for the project, provided additional details related to the size of the guard house.

Dr. Stephen Michel, President of the Woodfield Country Club Master Homeowner Association, explained that Rick Coffin, who is a representative of Woodfield Country Club and also sits on the Planning and Zoning Board, recused himself from the vote and, in fact, left the room entirely. Additional details were provided in regard to the guard house.

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

*Motion was made by Council Member Mullaugh, seconded by Deputy Mayor Haynie, to adopt Resolution No. 85-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

*Motion was made by Council Member Majhess, seconded by Deputy Mayor Haynie, to adopt Resolution No. 86-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

### **REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

7. Ordinance No. 5095 (Revised 5/20/09 – Public Hearing continued from 5/27/09 meeting)

An ordinance of the City of Boca Raton repealing existing Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Telecommunications Towers and Facilities” and creating a new Division 13 of Article XV of Chapter 28, City Code of Ordinances, entitled “Wireless Communications Facilities” relating to telecommunications towers and antennas; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 68-2009

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing fees relating to applications for required approvals for wireless communications facilities; providing for severability; providing for repealer; providing an effective date

The City Manager advised that the wireless industry's comments had only recently been obtained by the City; consequently, staff had not had an opportunity to review same. Therefore, he recommended that these items be continued to the July meeting. The public was given the opportunity to speak; no one came forward.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to continue the public hearing to the July 28, 2009 Council meeting. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.*

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

There were no items for consideration.

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

8. Ordinance No. 5100

An ordinance of the City of Boca Raton; amending Sections 23-353, 23-361, 28-52, 28-54, 28-57, 28-1741, and 2-128, Code of Ordinances; requiring architectural building elevations for proposed development; requiring Community Appearance Board review of such elevations and revisions to color selections, and amending the Board's authority to modify Development Orders; deleting approval of minor modifications by the Planning and Zoning Board; clarifying that a violation of a Development Order constitutes a Code violation; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-09-06)

The ordinance was introduced by Council Member Mullaugh.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Joe Pinella referred to the intersection at Dixie Highway and 18<sup>th</sup> Street, specifically, the southern part of the El Rio Park, and asked that the area be graded, landscaped and leveled. The City Manager advised that Recreation Services would begin landscaping the area shortly.

Robert DuKate stated he was present representing Save Boca Raton Green Space and as "the public environmental affairs committee chairman." Mr. DuKate gave a PowerPoint presentation and spoke to the Boca Teeca (Ocean Breeze) approval, comparing it with the recent Hidden Valley project denial. He again urged Council to reverse the decision on Boca Teeca.

Steven Kane referred to Ordinance No. 5095 (the "telecommunications ordinance"), stating that there were no provisions therein to notify the neighbors, should installation of an antenna be proposed in a residential area. Deputy City Manager George Brown explained that the proposed ordinance provides for a hearing process; the City Code provides for the notification (mailed notice) of that hearing process. Consequently, notification is not spelled out in this ordinance. Additional details were provided.

Larry Gabriel spoke in support of Ordinance No. 5095.

Bob Sweetapple referred to the parking meter program, which was discussed at yesterday's Workshop meeting and voiced opposition to same.

Charles Siemon also voiced opposition to installing parking meters.

Staci Garcia requested clarification of zoning in connection with vehicles for hire, advising that she was restricted to the M-1 and M-2 zoning districts for storage when she applied to the City. She stated that another vehicle-for-hire company had applied to the City to use the B-4 zoning district for storage. The City Manager advised that Ms. Garcia should contact Jorge Camejo, the City's Community Development

Director, to obtain answers to her questions. Ms. Garcia then suggested that Chapter 18 needed greater enforcement, indicating that enforcement would provide more money for the City, as would ensuring that vehicles-for-hire companies had the appropriate number of permits to coincide with the number of vehicles they hire out; in addition, this added revenue might negate the need for parking meters.

#### **REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

9. Resolution No. 97-2009

A resolution of the City of Boca Raton considering the request of Boca East LLC to review an administrative determination that the Building Permit Extension Agreement approved pursuant to Resolution No. 94-2007, adopted September 21, 2007, has expired as a result of a default thereunder; providing for severability; providing for repealer; providing an effective date

The City Attorney indicated that quasi-judicial procedure would govern this public hearing; however, she also noted that the City Clerk had received a request from the applicant asking for an extension. At this time, Mayor Whelchel asked whether anyone present wished to speak on this matter; seeing several people come forward, the City Clerk administered the oath to those who indicated they wished to speak.

Kelly Reagan, an attorney representing Boca East LLC, confirmed that his client requested an extension, stating that the important principal of the developer, Adam Schlesinger, was out of the country on a prepaid vacation at this time. Since Mr. Schlesinger was the person speaking directly with City staff in regard to the issues to be addressed, his testimony would be crucial, which is why the continuance was being requested. Mr. Reagan advised that he understood the next Council meeting was scheduled for July 28, 2009; Mr. Schlesinger and his representatives would be available at that time.

At this time, the court reporter was asked to identify herself. Julie Andolpha advised that she had been retained by the law firm of Page, Mrachek, Fitzgerald & Rose P.A.

Andrew Gay, a resident of the Eden in Unit 401, voiced opposition to the continuance since he would not be in town on July 28, 2009. He then referred to a representation that Mr. Schlesinger had made agreements to purchase all the units that were settled in the one building and stated that was not the case; Mr. Gay advised that agreements had not been made with him or two of his neighbors. Acknowledging that he did not know what Mr. Schlesinger might claim at the hearing, whenever that might be, Mr. Gay wished to attend the public hearing in order to answer those claims. Responding to Council, Mr. Gay advised that he would be in Philadelphia on July 28<sup>th</sup>; the City Attorney suggested that a special meeting, specifically relating to the Eden, could be held on July 27<sup>th</sup> and duly noticed. Mr. Gay explained he would be available on the 27<sup>th</sup>.

Sheila Seid, a resident of the Eden, agreed with the July 27 public hearing date and asked that the property owners living in the Eden be involved in the decision making process, particularly in regard to Section 305(b) and how it affects them in the renewal of this building permit. She also asked Council to consider having the developer honor the buyout contracts held by some of the property owners as a first step when moving forward with another agreement to resolve this issue.

Mr. Reagan confirmed that his client agreed with the July 27, 2009 hearing date.

Dan Frost, the Board Chairman for Maranatha, a community located across the street, voiced sympathy for the people who are living in the Eden, advising that the property is a mess, attracting rats, bugs, and kids on skateboards. He also expressed safety concerns. Noting that this situation has gone on year after year, he stated nothing has changed and urged Council to take action.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to continue the public hearing to a special meeting scheduled for July 27, 2009, at 6 p.m. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.

The City Attorney advised that there would not be additional mailed notices since this was a continuation; however, the required notice would be posted.

### **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

10. Designation of Voting Delegate to the Florida League of Cities' Annual Conference  
August 13 – 15, 2009 / Orlando, Florida

Council Member Majhess was designated by Council as the voting delegate.

#### **Granicus Software**

The City Manager referred to the recent goal setting sessions wherein discussions took place related to more transparency and dissemination of information to the public. He advised staff had discovered software that, for \$30,000, would allow: 1) streaming of Council meetings online, 2) archiving of meetings, and 3) a paperless agenda with backup paperwork available online (eventually). In addition to the \$30,000, a monthly maintenance fee of \$1,500 was also required. Mr. Ahnell asked whether Council wished to move forward with this endeavor. Staff was directed to provide Council with other cities' websites that use this software, that they might experience same firsthand. Council also desired to ensure that there were no other better competing products.

#### **Budget Direction**

Mr. Ahnell followed up on several items discussed at yesterday's Workshop meeting and asked for Council's direction as to alternative revenue sources, which were also discussed at the goal setting sessions. He noted that the City is facing an approximate \$4 million shortfall next year; the following year the City will be short by approximately \$9 million. Consequently, the City Manager needed Council's direction in order to bring back a balanced budget next month.

After extensive discussion, staff was directed to research the following: 1) have the City Manager cut services he thinks can be cut but still sustain the City, 2) investigate a 4-day work week, 3) consider "rotational closings" of City facilities, such as libraries, pools, and parks, 4) implementation of a red light camera program, 5) installation of parking meters in specific locations, 6) levying fire assessment fees on the airport and Sugar Sand Park (i.e. the Beach and Parks District), 7) increasing the fire assessment fee, 8) instituting rental registration, 9) raising thermostats in City facilities, 10) providing outdoor dining in areas outside the downtown (and fees to permit same), 11) continuing the hiring freeze and dual training of employees, 12) diverting less than 15% of the budget to the CIP, 13) instituting user fees for concerts, 14) permitting beach chair and umbrella rentals with, perhaps, a kiosk selling water and soft drinks, 15) contracting with a concessionaire to sell ice at the boat ramp, and 16) reviewing the need for security personnel at City Hall and eliminating plant care service.

### **CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

### **MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Majhess referred to a resolution he sought to have added to tonight's agenda, which would provide for Boca Raton joining a lawsuit being brought forward by the City of Weston in opposition to Senate Bill 360, and advised that he planned to bring same forward again at the July meeting.

Deputy Mayor Haynie explained that in the past, when the City had banded together with other municipalities to oppose or support various issues, it had generally been done through the Palm Beach County League of Cities and their attorney; she also noted that Council Member Mullaugh currently sits on that Board. Advising that while she supported moving forward in a unified fashion to fight this bill, Ms. Haynie preferred to do so through the home league with people she knows. In addition, she wished to speak with the PBC League of Cities' attorney on the matter.

Ms. Haynie then requested a joint meeting with the Greater Boca Raton Beach and Parks District indicating that since they are also working on their budget and they partner with the City in providing recreational services for City residents, it would be beneficial to discuss some budgetary issues and perhaps reach consensus on shared visions.

Mayor Whelchel asked Mr. Ahnell to provide suggestions at the next Council Workshop as to how the City might attract and retain business, particularly in this economic climate.

**ADJOURNMENT:**

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:01 p.m. on Tuesday, June 23, 2009.

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Susan Whelchel, Mayor

ATTEST:

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Sharma Hagerty, City Clerk