

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JANUARY 11, 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 Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager (absent – excused)
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

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 Freudenberg, seconded by Council Member Haynie, to amend the agenda to add Resolution No. 10-2005 to the Consent Agenda and Ordinance No. 4843 under, "Regular Business – Part V – Introduction of Ordinances." Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of December 13, 2004
Minutes of the Regular Meeting of December 14, 2004

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Boca Raton Boat Parade 2004 Winners - All winners were announced and awards were presented to those winners in attendance by Mayor Abrams, Community Resources/Affairs Specialist Emily Lilly, and Special Events Coordinator Jose Schmidt.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – One (1) vacancy, due to resignation of Barbara Safranek, whose term expires 01/12/07.

There were no applicants; the position will be re-advertised.

2. Responses to Workshop Information Requests:

Mr. Ahnell advised that answers to questions raised at yesterday's workshop meeting would be provided in the Friday packets.

3. Consent Agenda:

Motion was made by Council Member Whelchel, seconded by Council Member Freudenberg, to approve the Consent Agenda, as amended. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

a. Sealed Bids

- 1) Landscape Maintenance Services for Utility Services
Requested by Utility Services
Custom Care, Inc. \$66,433
- 2) Tree Relocation Service
Requested by Recreation Services
Tree Movers, Inc. \$90,375

b. Competitive Sealed Proposals

- 1) Fire Rescue Polo Shirts with Custom Embroidery
and Silkscreening
Requested by Fire Rescue Services
Forever Young \$34,660
- 2) Police Motor Boat - Replacement
Requested by Police Services
Intrepid Southeast, Inc. \$97,000

c. Sealed Bid - Renewal

- 1) Automotive, Light and Heavy Duty Truck Parts - Renewal
Requested by Municipal Services
Boca Raton Auto Parts, Total Truck Parts,
American Battery, Cold Air Distributors,
Florida Brake and Truck Parts, General GMC,
L & L Distributors, NAPA Auto Parts, S & H Distributors, Inc.,
Southern Automotive Products, and Vehicle Maintenance
Program, Inc. \$332,000

d. Intergovernmental Agreements

- 1) Toro Workman 3200 Heavy Duty Utility Vehicle -Replacement
Requested by Municipal Services
Wesco Turf Supply, Inc. \$27,288

- 2) John Deere Utility Vehicles - Replacement
Requested by Municipal Services
Wesco Turf Supply, Inc. \$34,060
- 3) Stainless Steel/Galvanized Park Grills - Replacement
Requested by Recreation Services
Southern Park and Play Systems, Inc. \$30,000

e. Change Order – FY 03-04

- 1) Fire Rescue Station #7,
Change Order #2
Requested by Fire Rescue Services
Republic Construction & Development Corp. \$55,734

f. Resolution No. 1-2005

A resolution of the City of Boca Raton announcing the regular election to be held in and for the City of Boca Raton on the 8th day of March 2005; providing for publication; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 2-2005

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Peninsula Corporate, Ltd., over certain lands located at 950 Peninsula Corporate Circle; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 3-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an escrow agreement with the Clerk of the Circuit Court of Palm Beach County for the purpose of the payment of service charges, costs and fees incurred by the City of Boca Raton in the Court Services Division; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 4-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a maintenance agreement with Cagelco Properties, LLC for the purpose of the maintenance of drainage connections, landscaping, irrigation facilities and pavers in City right-of-way located at 197 South Federal Highway; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 5-2005

A resolution of the City of Boca Raton amending the names of streets in Boca Bay Colony, Morningside, Boca Harbour and Walker's Cay; providing for conditions to the amendment; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 6-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County for reimbursable funding for dredging the Boca Raton Inlet; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 7-2005

A resolution of the City of Boca Raton approving and accepting seven (7) County Deeds from Palm Beach County, for certain lands located in the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 8-2005

A resolution of the City of Boca Raton denying approval and acceptance of a County Deed from Palm Beach County, for certain lands known as Conference Lake; authorizing the Mayor and City Clerk to execute a quit claim deed for said lands to Palm Beach County; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 9-2005

A resolution of the City of Boca Raton relating to the levy of special assessments for the construction of a wastewater collection system and other improvements in an area generally known as Area II, as more particularly described herein; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

o. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 04-00002056
 - b) SM(G) Case No. 04-00000502

p. Board Resignations

- 1) Resignation of Earl Starkoff from the Parks and Recreation Board

q. Receive and File Board Minutes – January 11, 2005

- 1) Citizens' Pedestrian and Bikeway Advisory Board
October 18, 2004
- 2) Community Appearance Board
November 16, 2004
November 23, 2004
November 30, 2004
December 14, 2004
- 3) Downtown Visions Committee
September 22, 2004
October 27, 2004
- 4) Environmental Advisory Board
November 18, 2004
- 5) Historic Preservation Board
November 16, 2004
- 6) Library Advisory Board
November 17, 2004

- 7) Marine Advisory Board
November 3, 2004
- 8) Parks & Recreation
November 9, 2004
- 9) Physically and Mentally Challenged Advisory Board
November 4, 2004
- 10) Planning and Zoning Board
October 7, 2004
October 21, 2004
- 11) Special Master
November 10, 2004

3.r. Resolution No. 10-2005

A resolution of the City of Boca Raton supporting the request from the City of Boynton Beach for legislative funding of a feasibility study to explore options for modernizing the Boynton Beach Inlet; providing for severability; providing for repealer; providing an effective date

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4834 (First of two required public hearings.)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 217 acres, more or less, located at Military Trail and Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to PI (Public and Private Institutional); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-05)

Development Services Senior Planner Vicky Gatani gave the PowerPoint presentation. Specifics were provided in regard to acreage, location, current designation and zoning, and surrounding properties. Proposed improvements, such as pedestrian and bike paths, were briefly reviewed. It was noted that this public hearing would determine whether this proposed land use amendment would be transmitted to the Department of Community Affairs (DCA) for review. Ms. Gatani advised that staff reviewed the proposal for compatibility with surrounding land use and surrounding development, consistency with the Comprehensive Plan and City Code, and concurrency for available and adequate public services; in each case, the standards were met. Additional details were provided. The Planning and Zoning Board reviewed the request and unanimously recommended approval of same; Ms. Gatani stated that staff also recommended approval.

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

Motion was made by Council Member Freudenberg, seconded by Council Member Whelchel, to approve transmittal of Ordinance No. 4834 to the Department of Community Affairs (DCA) for review. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

5. Ordinance No. 4841 (Continued from the December 14, 2004 meeting.)

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency ("CRA") pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. ("Tenant"); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant ("Amended and Restated Lease Agreement"); providing for severability; providing for repealer; providing an effective date

The City Manager advised that this item related to the Cartoon Museum; documents were still being finalized at this time. He suggested that the public hearing be opened and continued to the next regular meeting of the City Council.

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

Motion was made by Council Member Whelchel, seconded by Council Member Freudenberg, to continue the public hearing to the City Council meeting of January 25, 2005. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

6. Ordinance No. 4842

An ordinance of the City of Boca Raton regarding qualification of candidates for City office; amending Section 6-10, Code of Ordinances, with respect to withdrawal and requalification of candidates; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney explained that this item was drafted to eliminate a prohibition in the City Code, which would not allow a candidate who had qualified for a position during the seven-day qualifying period, to withdraw and re-qualify for a different position. Additional clarification was provided as requested.

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

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4842. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

6.a. Ordinance No. 4843

An ordinance of the City of Boca Raton related to construction and demolition debris; amending Chapter 14, Code of Ordinances; providing for definitions and non-exclusive franchises for construction and demolition debris roll-off container service; providing regulations and requirements for construction and demolition debris roll-off container service franchises; providing for rates and fees for said franchises; amending Sections 2-92 and 2-113, Code of Ordinances, to provide that violations of said provisions shall be within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Lisa Holland suggested that a name for the new dog park be chosen from the names of those police and fire dogs who have served the City and, in some cases, lost their lives in the line of duty.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

7. Selection of Canvassing Board Member

Council Member Whelchel nominated Council Member Haynie to sit on the Canvassing Board; Ms. Haynie was appointed without objection.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Freudenberg asked for an update on obtaining an alternate domain name for accessing the City's web page. Mr. Ahnell advised that www.myboca.us is now an official alternate domain name and may be used to access the City's website. Mr. Freudenberg then suggested that the City contribute \$10,000 to the American Red Cross to assist tsunami victims. Council voiced no objections. The City Attorney advised that she would prepare a resolution to document the expenditure.

Council Member Haynie reported on her attendance last night at the unveiling of the Levitz site plan, located on North Federal Highway, and advised that it was well-received by the public. She then questioned the City Manager in regard to the reconstruction of sidewalks on Jeffrey Street, east of Federal Highway; Mr. Ahnell explained that the construction had nothing to do with the plan for the North Federal Highway Corridor; this was an Americans with Disabilities Act (ADA) retrofit to bring the sidewalks into compliance. Lastly, Ms. Haynie advised that she had accepted appointment by Florida's Secretary of Transportation to the Florida Transportation Plan Steering Committee, which is charged with creating a 2025 plan; she will represent both the City and the County. Ms. Haynie added that the proposed I-95 Interchange for Florida Atlantic University is currently listed on the strategic intermodal system, which makes it a project of regional significance and provides a better opportunity for funding.

Council Member Whelchel urged Council and City staff to fight for additional dollars from FEMA to assist with recovery efforts resulting from the hurricanes.

Mayor Abrams reported on his meeting with the new owners of the Boca Raton Resort & Club, namely, the Blackstone Group. He emphasized to the new owners that the resort is a landmark in this community and indicated a desire that sensitivity for its historic value be retained; additional topics were also discussed.

ADJOURNMENT:

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 4-0 on a voice vote; Mayor Abrams Council Members Freudenberg, Haynie and Whelchel voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:43 p.m. on Tuesday, January 11, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk