

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JANUARY 25, 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 Freudenberg gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
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 Nos. 18-2005 and 19-2005 to the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of January 10, 2005
Minutes of the Regular Meeting of January 11, 2005

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

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Citizens' Recognition for Heroic Act

Awards were presented by Mayor Abrams and Fire-Rescue Chief Bruce Silk to Ron Coddington and Calvin Lyles for saving an elderly man from drowning after he drove his car into a canal. Mr. Lyles was not present to receive his award.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions advertised.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.c.1. – Marine Hull Insurance) A memo was provided. Mr. Ahnell explained that this insurance policy would have been taken to bid but, up until this year, the cost was always below the \$25,000 limit and could be awarded via the City Manager’s authority. With the addition of a new boat and because of the hurricanes, the \$25,000 threshold was exceeded. Staff made calls to a number of insurance companies and found that many were not offering this coverage any longer. Therefore, the insurance policy was sole sourced at this time to avoid a lapse in coverage; it will be taken to bid in 2006.

(Consent Agenda Item 3.e. – Resolution No. 12-2005 / Interlocal Agreement with the School Board of Palm Beach County regarding roadway improvements for Don Estridge Middle School) A color map of the road improvements related to Spanish River Boulevard at Military Trail was provided. The blue portions denoted those areas/items to be paid for by the School Board. The red or pink portions denoted those areas/items for which the City was financially responsible; additional details were provided. Mr. Ahnell added that the contract for the road improvements had been awarded. However, since that time, the contractor advised the City that costs had risen so significantly, he was unable to perform the work at the awarded price. Therefore, this contract would be re-bid.

3. Consent Agenda:

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

a. Sealed Bid

1)	Sidewalk Repairs Requested by Municipal Services Florida Blacktop, Inc.	\$69,950
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b. Intergovernmental Agreements

1)	High Density Storage System Requested by City Manager Tab Products	\$31,035
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2)	Vehicles Requested by Municipal Services Alan Jay Chevrolet	\$86,060
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c. Sole Source

1)	Marine Hull Insurance Requested by Financial Services The Beacon Group Inc.	\$27,289
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d. Emergency

1)	North Jetty Repairs Requested by Municipal Services Subaqueous Services, Inc.	\$54,500
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e. Resolution No. 12-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an interlocal agreement with the School Board of Palm Beach County, Florida for the development and implementation of certain roadway improvements for Don Estridge Middle School; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 15-2005

A resolution of the City of Boca Raton approving and accepting a quit claim deed from Lake Worth Drainage District for certain land located in the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 16-2005

A resolution of the City of Boca Raton amending Exhibit B of Resolution No. 9-2005; 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 in Resolution No. 9-2005; providing for a correction of the notice of public hearing date; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 17-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a First Amendment to an Interlocal Agreement with Palm Beach County for the purpose of reimbursable funding for the construction of bus user shelters throughout the City; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Minutes – January 25, 2005

- 1) Citizens' Pedestrian and Bikeway Advisory Board
December 13, 2004
- 2) Community Appearance Board
December 21, 2004
January 4, 2005
- 3) Community Relations Board
November 15, 2004
- 4) General Employees' Pension Board
October 14, 2004
November 18, 2004
- 5) Historic Preservation Board
December 15, 2004
- 6) Marine Advisory Board
December 1, 2004
- 7) Parks & Recreation
December 14, 2004

- 8) Physically and Mentally Challenged Advisory Board
December 2, 2004
- 9) Planning and Zoning Board
December 9, 2004
- 10) Special Master
December 8, 2004

3.j. Resolution No. 18-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Community Affairs to receive Federal Emergency Management Agency and State funds for Hurricane Frances preparation and recovery; providing for severability; providing for repealer; providing an effective date

3.k. Resolution No. 19-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Community Affairs to receive Federal Emergency Management Agency and State funds for Hurricane Jeanne preparation and recovery; 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. 4841 (Continued from the January 11, 2005 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 reported that the documents for this transaction were not yet finalized but very close to completion. He suggested that the public hearing be opened and continued to the February 8, 2005 regular Council meeting.

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

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to continue the public hearing to the City Council meeting of February 8, 2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

5. 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

Municipal Services Director Robert DiChristopher gave the PowerPoint presentation. He explained that this ordinance would provide for a non-exclusive franchise for construction and demolition debris roll-off container service. However, in order to implement the franchise, the City Code had to be amended and added that Boca Raton was one of the few cities that had not yet regulated roll-off containers. Mr. DiChristopher outlined the proposed amendments to Chapters 14 and 2, which related to definitions, the character of the applicant, equipment and method of operation, insurance requirements, identification of equipment, placement and maintenance of containers, information required from franchisees, a nonexclusive franchise fee requirement, and jurisdiction over violations of these provisions, which will reside with the Special Masters. Fees associated with the roll-off ordinance were also reviewed. Mr. DiChristopher drew attention to Section 2 (13), explaining that the language was revised to reflect a request made at yesterday's workshop, specifically, if the building permit is active, a roll-off container can be placed on the property.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4843 (Second Revised 1/25/05). Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, 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. Ordinance No. 4844

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 8, 2005 election; providing for severability; providing for repealer; providing an effective date

Council Member Freudenberg introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

7. Resolution No. 11-2005

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

The City Manager advised that the amended user fee schedule includes the roll-off fees, mentioned in the presentation this evening for Ordinance No. 4843; and updates, where appropriate, existing user fees to reflect the half-cent sales tax passed by voters in November to support County schools.

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 adopt Resolution No. 11-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

8. Second Amendment to Alternative Permitting Agreement for 2500 South Ocean Boulevard

Mr. Ahnell explained that this item was in reference to the Lussuria Condominium, whose owner was in the process of obtaining a permit. A 30-day extension was being requested to ensure that the permit could be obtained prior to the deadline. Barring any objections from Council, the City Manager would sign the amendment granting the extension; Council had no objections.

Meet Me Downtown

Mr. Ahnell advised that the Greater Boca Raton Chamber of Commerce had requested an alcohol permit, as they have done in prior years, for the upcoming "Meet Me Downtown" event. Barring any objections from Council, the City Manager would grant the permit; Council had no objections.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Freudenberg stated that some of the missing traffic signals had been returned but voiced concern over the intersection at Glades Road and Jog Road, saying that eight signals were still missing at that location. The City Manager reported that, per the County, the majority of signals had been removed prior to the hurricanes. However, since that time more traffic signals have disappeared, which the County believes may be due to unscrupulous contractors.

Council Member Haynie advised that a General Membership meeting of the Florida League of Cities would be held in Delray Beach tomorrow morning on the topic of affordable housing. She then reported that she, along with Council Member Freudenberg, went on a field trip with the North Federal Highway Steering Committee to the Abacoa development. Ms. Haynie thanked staff for coordinating the trip and stated that it was an invaluable experience for the Committee members as it allowed them to see, firsthand, heights, densities, and other details associated with this community. Last of all, Ms. Haynie stated that the realignment of Airport Road is creating additional right-of-way and inquired as to who would own that property. Mr. Ahnell advised that it would be City property.

Deputy Mayor Hager requested an update on the FEMA hurricane reimbursements. Mr. Ahnell explained that total expenditures would be approximately \$10 to \$12 million; the exact cost was unknown at this time, as funds had not yet been expended for beach renourishment. The City anticipated receiving a 90% reimbursement from FEMA; however, Mr. Ahnell noted that other cities were experiencing problems with FEMA in regard to reimbursement.

Council Member Whelchel commented on Dayton, Ohio being a "wireless city," saying that the City Manager would provide information to Council on this topic soon. She then obtained an update from Mr. Ahnell regarding the contract for the Tri-County Humane Society; Mr. Ahnell advised that documents had been sent to their attorneys.

Mayor Abrams referred to the Botanical Gardens Association and its fundraiser to obtain dollars for creation of botanical gardens on the T-Rex property. He asked the City Manager how Council might identify land for the gardens. The City Manager indicated that a large, contiguous piece of land was probably not available; however, the gardens could be incorporated along miles of proposed pathways and trails meandering throughout the property. The City Manager was directed to work with the Botanical Gardens Association to draft a document to provide a concept, which Council could endorse, to assist the Association in its private fundraising efforts. Last of all, Mayor Abrams commented on the Rising Star competition held at Town Center Mall, saying that all parties involved did a tremendous job; Council Member Whelchel advised that a \$2,500 scholarship was awarded to the winner by a sponsor.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:39 p.m. on Tuesday, January 25, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk