

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 11, 2006
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 Baronoff 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 Council Member Arts, to amend the agenda to add Resolution No. 56-2006 to the Consent Agenda. 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 20, 2006
Minutes of the Regular Meeting of March 21, 2006
Minutes of the Organizational Meeting of March 31, 2006

Motion was made by Council Member Hager, seconded by Council Member Baronoff, 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:

John Crean Day – April 11, 2006

Mayor Abrams presented the proclamation to Mr. Crean on behalf of the City.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Joan C. Daly, J. Robert Gordon, Bernadette Krutchik, Gary E. Susser, and Jay Van Vechten, whose terms expire 04/23/06.

Gary Susser expressed interest in retaining his position on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to reappoint J. Robert Gordon, Bernadette Krutchik, Gary E. Susser, and Jay Van Vechten to the Advisory Board for the Physically and Mentally Challenged. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

J. Robert Gordon, Bernadette Krutchik, Gary E. Susser, and Jay Van Vechten were reappointed to the Board.

- b. Environmental Advisory Board – three (3) vacancies due to term expirations of Elisabeth Hoffman, Andrew M. Gross, and Maggie Barszewski, whose terms expire 04/30/06.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Elisabeth Hoffman and Andrew M. Gross, and to appoint Steven Wallace, to the Environmental Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Elisabeth Hoffman and Andrew M. Gross were reappointed to the Board; Steven Wallace was appointed.

2. Responses to Workshop Information Requests:

The City Manager advised that answers to questions from yesterday's workshop meeting would be forthcoming in memo form or included in tonight's presentations.

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. No one came forward to speak.

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

a. Competitive Sealed Proposal

- 1) Fireworks Display for the Fourth of July
Requested by Recreation Services
Zambelli Fireworks Internationale \$27,000

- b. Competitive Sealed Proposal - Renewal
 - 1) Printing and Distribution of the
Recreator - Renewal
Requested by Recreation Services
Sun Sentinel Direct \$90,678
- c. Sealed Bid
 - 1) Bus Shelter Cleaning Service - Renewal
Requested by Municipal Services
Roof Painting by Hartzell \$54,000
 - 2) Resource Recovery Services - Renewal
Requested by Municipal Services
Recreation Services
Sun Recycling L.L.C. \$63,750.00

d. Resolution No. 44-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a County Incentive Grant Program Agreement with the Florida Department of Transportation and Palm Beach County for the purpose of deploying dynamic message signs on State Roads; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 45-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Confirmation Of Receipt Of Right Of Way, on certain lands located adjacent to 1515 South Federal Highway; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 46-2006

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

g. Resolution No. 49-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 19 with Kimley-Horn and Associates, Inc. for the purpose of providing for additional consulting services related to modifying the Boca Raton Downtown Development of Regional Impact Development Order; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 50-2006

A resolution of the City of Boca Raton authorizing the City Manager to amend the City's Executive Benefit Plan for the purpose of updating benefits for the City's executive employees; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 51-2006

A resolution of the City of Boca Raton setting forth the City's intent to use a portion of the funds collected from the proposed imposition of a fire services assessment, to offset the expense to the City of providing additional benefits pursuant to the 2005-2008 Firefighters Collective Bargaining Agreement; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 52-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement between the City and the Firefighters of Boca Raton, Local 1560, IAFF, Inc. ("Firefighters"); providing for severability; providing for repealer; providing an effective date

k. Resolution No. 53-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Halogen Software, Inc., for the purchase of a license for employee performance appraisal software; providing for severability; providing for repealer; providing an effective date

l. Board Resignations

- 1) Resignation of Edward Rowan from the Citizens' Pedestrian and Bikeway Advisory Board.

m. Receive and File Board Orders

- 1) Special Master
 - a) Case No. SM(C) 05-00001452
 - b) Case No. SM(C) 05-00002765
 - c) Case No. SM(C) 05-3260
 - d) Case No. SM(C) 05-00003531
 - e) Case No. SM(C) 05-3897
 - f) Case No. SM(C) 05-3948
 - g) Case No. SM(C) 05-00004107

n. Receive and File Board Minutes – April 11, 2006

- 1) Community Appearance Board
 - March 7, 2006
 - March 14, 2006
 - March 21, 2006
- 2) Education Advisory Board
 - February 27, 2006
- 3) Environmental Advisory Board
 - December 15, 2005
- 4) General Employees' Pension Board
 - January 12, 2006
 - February 9, 2006

- 5) Planning and Zoning Board
February 9, 2006
February 23, 2006
- 6) Police and Firefighters' Pension Board
January 26, 2006 (Regular Meeting)
February 7, 2006 (Administrative Committee)
February 9, 2006 (Administrative Committee)
- 7) Special Master
December 14, 2005
March 8, 2006

o. Resolution No. 56-2006

A resolution of the City of Boca Raton objecting Palm Beach County's proposal to adopt revisions to its Comprehensive Plan in violation of its Charter authority and without issuing written notice under Article VIII Section 3.c. of the Comprehensive Plan Amendment Coordinated Review Interlocal Agreement; providing for severability; providing for repealer; providing an effective date and for other purposes

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

4. Resolution No. 42-2006

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Santa Fe Villas subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-05-07)

5. Resolution No. 43-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Lofts subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-05-03)

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4935 (Revised 4/11/06)

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System by amending Section 12-151, "Retirement Dates and Benefits; Optional Provisions for Firefighters" to implement the recently approved collective bargaining agreement; providing for severability; providing for repealer; providing for codification; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation, advising that this ordinance (2nd Revised 4/11/06) would provide for the change in the multiplier related to the collective bargaining agreement that was approved in the Consent Agenda. This document included language in response to written comments made by the Police and Firefighters Retirement System.

The City Attorney distributed Ordinance No. 4935, 2nd Revised 4/11/06, to Council and explained that all the drafts of the ordinance are legally sufficient; there were no substantive differences. Ms. Frieser then clarified the amendments on Page 3; details were provided.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4935, 2nd Revised 4/11/06. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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

7. Resolution No. 47-2006

A resolution of the City of Boca Raton authorizing the settlement of a workers' compensation claim for a Retired Police Officer, Paul Holland, providing for severability; providing for repealer; providing an effective date

Risk Manager Pam Gardner gave details related to the settlement of this case and recommended approval of the resolution.

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

Motion was made by Council Member Hager, seconded by Council Member Arts, to adopt Resolution No. 47-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. Ordinance No. 4936

An ordinance of the City of Boca Raton providing for the vacation and abandonment of the unimproved portion of Banyan Trail located south of N.W. Spanish River Boulevard and east of North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-03)

The ordinance was introduced by Deputy Mayor Whelchel.

9. Ordinance No. 4937

An ordinance of the City of Boca Raton granting to Florida Power and Light Company, its successors and assigns, an electric franchise; imposing provisions and conditions relating thereto; providing monthly payments to the City of Boca Raton; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Baronoff.

10. Ordinance No. 4938

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to utilities by amending Chapter 17 removing all references to user fees and placing them in the Boca Raton Municipal Facilities and Services User Fee Schedule, revising meter access provisions, revising delinquent notice mailing requirements, revising property lien priority, revising owner obligations and deleting the exception for firelines and sprinklers as cross connections; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced Council Member Arts.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

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

11. Resolution No. 48-2006

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(c)(3), Code of Ordinances, to construct one (1) additional flat sign identifying the occupancy on a corner lot located at 2300 NW Executive Center Drive; providing for severability; providing for repealer; providing an effective date (SCV-05-07)

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation, advising that the applicant was seeking authorization to construct two flat wall signs to identify the occupant of the building, the Seasons 52 restaurant. Per City Code, only one flat sign per occupancy is allowed. The proposed signs would be located on the southern and western frontages of this corner lot. Mr. Kerr pointed out that staff is currently working on a Code amendment to permit occupants located on corner lots to allow signs on both frontages. Both Development Services staff and the Community Appearance Board recommended approval of the resolution.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 48-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION

12. Resolution No. 41-2006

A resolution of the City Council of the City of Boca Raton granting the appeal of Shoppes of Blue Lake II from the Zoning Board of Adjustment, approving a modification to a previously approved variance to permit a west bound left-turn lane into a Conditional Commercial Node located at 1200 Yamato Road; providing for severability; providing for repealer; providing an effective date

Mayor Abrams advised that this was a quasi-judicial matter. The City Clerk administered the oath to those who indicated they wished to speak. At this time, it was noted that the oath had not been administered in the prior public hearing; the individuals who spoke at that public hearing were included in the current administration of the oath given by the City Clerk.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation, advising that the Code specifically prohibits entrances to commercial nodes within 500 feet of driving distance from a major thoroughfare. The major thoroughfare in this case is Yamato Road. In 2003, the Zoning Board of Adjustment granted the petitioner's request for a variance to allow an east bound right-turn lane into the subject Commercial Node; this request included specific conditions limiting the driveway to a right-in/right-out only. Another variance request was subsequently submitted to modify the approved variance to permit a west bound left turn lane; the Zoning Board of Adjustment denied the request. Mr. Kerr outlined the petitioner's justification for the left turn lane, stating that the request does not meet specific Code requirements for a variance; details were provided. The Planning and Zoning Board reviewed this variance request as well, and determined that no valid reason was demonstrated for the variance and no hardship or physical conditions existed to grant same. Based on that rationale, Development Services staff was recommending denial. Mr. Kerr concluded his presentation and answered questions from Council.

Richard Brooks, the architect for the project, and Martin Heise, owner of the property, advocated support for the resolution.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 41-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

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

Mr. Ahnell referred to escrowed funds that are distributed by the City to the Tri-County Humane Society on a monthly basis and advised that they had requested a one-time lump sum payment of \$25,000 from that account to repair fencing damaged in the hurricanes. Staff supported the distribution of funds.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to release \$25,000 from the Pet Cemetery Perpetual Care escrow fund. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Citywide AED Program

Mr. Ahnell distributed a memo, dated April 11, 2006, and provided an update to Council, advising that the City had deployed 230 Automatic External Defibrillator (AED) units Citywide, via this voluntary program, which was funded through grants and similar programs. He also reviewed the various locations of these units, some of which are included in police cars; details were provided.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Hager referred to the KPMG Financial Report provided at yesterday's workshop and extended compliments to the City Manager and the financial team for leadership and a job well done.

14. Metropolitan Planning Organization Appointments (2)

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to re-appoint Mr. Baronoff, and to appoint Council Member Arts, as the City representatives on the Metropolitan Planning Organization. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

15. Palm Beach County League of Cities – (1) Voting Delegate and Alternate(s)

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

Council Member Baronoff asked the City Manager to research implementation of WiFi within the City; advocated recognizing the contributions of former Planning and Zoning Director Robert Hagerty at a future Council meeting; and requested that the City Manager review Council's proposed summer schedule at the next meeting. Mr. Ahnell explained that Deputy Mayor Whelchel had previously inquired about WiFi and, upon review, it was not determined to be practical; additional information would be provided.

Council Member Arts voiced appreciation at the confidence expressed by his colleagues in relation to his appointments. He then referred to workforce housing and asked for the status of the proposed ordinance; how long it would take to implement, upon approval; and how the Council might encourage developers to include workforce units in their proposed development plans. Mr. Ahnell stated that the ordinance was introduced in January; staff is awaiting a response from the Chamber of Commerce in regard to proposed revisions. He then provided a timeline for ordinance approval, which includes Planning and Zoning Board review, a transmittal public hearing, review by the Department of Community Affairs (DCA), and then an expected final public hearing in November or December 2006. Mr. Ahnell added that the workforce-housing program is strictly voluntary at this point; however, staff could ask developers to include workforce housing in their plans and stress that aspect. Additional information was provided as requested regarding workforce housing options, financial incentives, and a Community Land Trust.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Council Member Baronoff, 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 7:00 p.m. on Tuesday, April 11, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk