

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JANUARY 10, 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 Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Bill Hager
Council Member Susan Haynie

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. 11-2006 to the Consent Agenda and to add Ordinance Nos. 4918, 4919, and 4920 under "Part V – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of December 12, 2005
Minutes of the Regular Meeting of December 13, 2005

Motion was made by Deputy Mayor Whelchel, 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 Baronoff, Hager and Haynie voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

There were no proclamations, recognitions, or awards.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions advertised.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.I. – Resolution No. 7-2006 / Agreement with the State of Florida, Department of Environmental Protection, relating to reimbursable funding for the South Boca Raton Beach Renourishment Project) A handout was provided. The City Manager explained that the State participation in the project is 49% of the costs; Palm Beach County contributes 20%, and the City is obligated to pay the remainder. He advised that the City typically asks the Greater Boca Raton Beach and Park District to participate as well.

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 Baronoff, Hager and Haynie voting yes.

a. Sealed Bids

- | | | |
|----|--|-----------|
| 1) | Removal & Replacement of Roll-Up Doors
Requested by Utility Service
JB Mathews Co. | \$222,400 |
| 2) | Tandem Vibratory Drum Roller with Trailer-
Replacement
Requested by Utility Service
Nations Rent USA, Inc. | \$30,030 |
| 3) | Removal and Replacement of Air Conditioning
Unit - Replacement
Requested by Utility Service
Airmatic Controls, Inc. | \$60,541 |

b. Competitive Sealed Proposal

- | | | |
|----|--|----------|
| 1) | Fire Rescue Uniform Shirts-Renewal
Requested by Fire Rescue Services
Forever Young | \$37,066 |
|----|--|----------|

c. Sealed Bids - Renewals

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

- | | | |
|------|---|-----------|
| 2) | Wastewater Collection System Rehabilitation-Renewal
Requested by Utility Services
Madsen-Barr Corporation, Video Industrial Services, Inc.,
Chaz Equipment Company, Inc., American Water Services
Underground Infrastructures, Inc., and Lanzo Lining
Services, Inc. | \$950,000 |
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| d. | <u>Intergovernmental Agreements</u> | |
| 1) | Printer Cartridges, Ribbons & Media Supplies
Requested by City Wide
Martin Associates of South Florida | \$32,700 |
| 2) | Safety Equipment for Two (2) New Fire Trucks
Requested by Fire Rescue Services
Fisher Scientific Company LLC | \$37,093 |
| 3) | Ammunition
Requested by Police Services
Gulf States Distributors | \$25,770 |
| 4) | Dive Team Vehicle (New)
Requested by Police Services
Pride Enterprises | \$99,986 |
| 5) | Water Meter Fittings & Water Line Accessories
Requested by Utility Services
Ferguson Enterprises, Inc. | \$50,000 |
| 6) | Sodium Hydroxide
Requested by Utility Services
Allied Universal Corp. | \$92,020 |
| 7) | Toro Workman 3300-D Spray Rig & Accessories –
Replacement
Requested by Recreation Services
Wesco Turf Supply, Inc. | \$29,787 |
| 8) | Roofing Repair Services at Utility Services Complex
Requested by Utility Services
Advanced Roofing, Inc. | \$134,063 |
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| e. | <u>Sole Source</u> | |
| 1) | Extrication Equipment for Two (2) New Fire Trucks
Requested by Fire Rescue Services
Fisher Scientific Company LLC | \$38,015 |
| 2) | Water Meter Reading Devices
Requested by Financial Services
Badger Meter, Inc. | \$91,625 |
| 3) | Ballfield Lighting Parts and Fixtures
Requested by Recreation Services
Musco Sports Lighting, Inc. | \$35,000 |

- | | | |
|--|---|-----------|
| 4) | Ballfield Lighting Assemblies and Fixtures
Requested by Recreation Services
Hunter-Knepshield Company | \$40,000 |
| f. <u>Emergency</u> (Hurricane Wilma – Phase II) | | |
| 1) | Fuel
Requested by Municipal Services
Almond Oil Company | \$26,623 |
| 2) | Fence Repairs
Requested by Recreation Services
Hartzell Construction, Inc. | \$180,000 |
| 3) | Electrical Inspection and Repairs to Sports Lighting
Requested by Recreation Services
Lectra Living, Inc. | \$56,000 |
| g. <u>Resolution No. 1-2006</u> | | |
| 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 14 th day of March 2006; providing for publication; providing for severability; providing for repealer; providing an effective date | | |
| h. <u>Resolution No. 3-2006</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Lewis, Stroud, Deutsch, P.L. for the purpose of professional services; providing for severability; providing for repealer; providing an effective date | | |
| i. <u>Resolution No. 4-2006</u> | | |
| A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 26 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date | | |
| j. <u>Resolution No. 5-2006</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting space for the Police Athletic League; providing for severability; providing for repealer; providing an effective date | | |
| k. <u>Resolution No. 6-2006</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting office space; providing for severability; providing for repealer; providing an effective date | | |
| l. <u>Resolution No. 7-2006</u> | | |
| A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the State of Florida, Department of Environmental Protection for the purpose of reimbursable funding for the design, permitting, construction and monitoring of the South Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date | | |

m. Receive and File Board Orders

- 1) Zoning Board of Adjustment
 - a) Resolution No. BA-05-09
 - b) Resolution No. BA-05-08
 - c) Resolution No. BA-05-07

n. Receive and File Board Minutes – January 10, 2006

- 1) A1A Landscape Task Force
November 30, 2005
- 2) Builders' Board of Adjustment and Appeals
September 28, 2005
- 3) Citizen's Pedestrian and Bikeway Advisory Board
October 17, 2005
- 4) Community Appearance Board
November 15, 2005
November 22, 2005
November 29, 2005
December 6, 2005
- 5) Education Advisory Board
September 26, 2005
- 6) Environmental Advisory Board
November 17, 2005
- 7) Executive Employees' Retirement Plan
October 7, 2005
- 8) General Employees' Pension Board
September 8, 2005
October 12, 2005
- 9) Historic Preservation Board
November 15, 2005
- 10) Library Advisory Board
October 17, 2005
November 16, 2005
- 11) North Federal Highway Steering Committee
October 11, 2005
- 12) Parks and Recreation Board
October 11, 2005
- 13) Physically and Mentally Challenged Advisory Board
October 6, 2005
- 14) Planning and Zoning Board
October 20, 2005

- 15) Police and Firefighters' Pension Board
September 8, 2005
September 22, 2005
- 16) Special Master
September 14, 2005

3.o. Resolution No. 11-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a subgrant from the Florida Department of Law Enforcement for the purpose of obtaining a video assessment system/cameras pursuant to the buffer zone protection program; the acceptance of said subgrant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said subgrant, 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 Deputy Mayor Wheelchel, seconded by Council Member Hager, to adopt the Quasi-Judicial Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Baronoff, Hager and Haynie voting yes.

4. Resolution No. 8-2006

A resolution of the City of Boca Raton granting tentative plat approval for the proposed 1800 North Military Trail Subdivision plat, located at 1800 North Military Trail, as more specifically described herein, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-08)

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

5. Resolution No. 2-2006

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for the Athena Condominium Association, Inc., to construct a dune crosswalk at 2070 North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-04-03)

Mayor Abrams advised that quasi-judicial procedure would be followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. Acreage, ocean frontage, and surrounding properties were identified, as was the location of the proposed dune crosswalk, which would provide beach access over the dune without disturbing the dune or the vegetation. Mr. Kerr advised that the appropriate City departments and the Environmental Advisory Board (EAB) reviewed the proposal and it meets with all requirements. Consequently, staff was recommending approval with the conditions listed in the resolution, which also included the EAB's recommendations.

Charles Weiner spoke in opposition to the resolution, stating that the dune had not been restored to its previous height. Responding to Council, the City Manager advised that the dune had been restored.

Jamie Schafer spoke in support of the resolution, advising that she is a second-floor resident of the Athena Condominium. She stated that the dune was in compliance with the restoration order and, in fact, came up in height to her second floor unit. She also advised that she had no way to access the beach and had been waiting patiently for construction of the crosswalk.

Planning and Zoning Director Carmen Annunziato responded to questions from Council, providing background information on the destruction of the dune; he explained that it was rebuilt to approximately three feet above grade and re-vegetated. All appropriate agencies signed off on the dune restoration, and it is in compliance with the requirements of the Department of Environmental Protection (DEP).

Responding to Council, the City Attorney gave a brief overview of the litigation that the City engaged in to have the dune restored by the former property owner; details were provided. She confirmed with Council that the City was in compliance with the court order.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 2-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4906

An ordinance of the City of Boca Raton relating to the General Employees' Pension Plan; providing for a lump sum payment to certain retired or disabled general employees; providing for severability; providing for repealer; providing for codification; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation, explaining that this ordinance would provide a one-time lump sum payment to those general employees who retired as of September 30, 1998. A biennial review of retirement and disabilities benefits is conducted in each odd calendar year to determine whether an erosion of benefits has occurred. If so, a one-time lump sum can be provided. Consequently, staff was recommending a lump sum of \$55,331.11. In addition, the General Employees' Pension Board reviewed the ordinance and also recommended approval. Ms. Davidson then answered questions from Council.

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. 4906. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

7. Ordinance No. 4911

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 14, 2006 election; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown gave the presentation. He explained that this ordinance mirrored the one adopted for last year's election; details were provided. Discussion followed.

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 Hager, to adopt Ordinance No. 4911.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to amend Ordinance No. 4911 to reflect Monday, March 6, 2006 through Friday, March 10, 2006 as the early voting period for the March 14, 2006 election. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

The City Attorney advised that there were corresponding changes to make to the ordinance relating to the number of days before the election; she would make those changes in the interest of consistency.

The vote on the main motion to adopt Ordinance No. 4911, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

8. Ordinance No. 4912

An ordinance of the City of Boca Raton amending Section 23-108, Code of Ordinances, to establish the time for land dedications, and payments in lieu thereof, for park or recreational purposes; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy City Manager George Brown gave the presentation. He advised that this ordinance provides that land dedications and payments in lieu of land dedication shall be made at the time of submission of a complete application for a building permit. The ordinance clarifies and codifies the City's current and historical practices as to when the fee is collected.

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

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4912. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

9. Ordinance No. 4913

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. She explained that the First Quarterly Budget Amendment would amend the 2005 budget by recognizing additional revenues and expenditures in the General Fund, the Law Enforcement Trust Fund, the Capital Improvement Fund, the Water and Sewer Fund, Workers Compensation Self Insurance Fund, and funding from reserves in the General Liability Self Insurance Fund, for a grand total of \$640,000. Ms. Davidson concluded her presentation and answered questions from Council.

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. 4913. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

10. Ordinance No. 4914

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 budget through a budget amendment, relating to Hurricane Wilma; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. She explained that this ordinance provided the funding for the various funds regarding the City's hurricane-related expenditures. This amendment recognized additional revenues and expenditures in the General Fund (75% of which is expected to be reimbursed by FEMA, the Federal Emergency Management Agency), the Beautification Fund, the Greater Boca Raton Beach and Park District Fund, the Debt Service Fund, the ROW Acquisition Fund, the Environmentally Sensitive Lands Fund, the Stormwater Utility Fund, the Water and Sewer Operating Fund, the Cemetery/Mausoleum Fund, the Golf Course Fund, and funding from reserves in the Motor Pool Fund, for a grand total of \$15,732,300. Ms. Davidson concluded her presentation and answered questions from Council.

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

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Ordinance No. 4914. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

11. Ordinance No. 4915

An ordinance of the City of Boca Raton amending Section 10-116, Code of Ordinances, to revise the definition of inoperable motor vehicle to include motor vehicles with license plates and vehicle registration which were issued for another motor vehicle; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

12. Ordinance No. 4916

An ordinance of the City of Boca Raton amending Exhibit A of Ordinance No. 4859 of the City of Boca Raton which consisted of an amendment to the Future Land Use Map of the Comprehensive Plan that redesignated certain property located at 1601 Clint Moore Road as more specifically described herein, from Light Industrial to Commercial; providing for severability; providing for repealer; providing an effective date (UC-04-10R2/SC)

The ordinance was introduced by Deputy Mayor Whelchel.

13. Ordinance No. 4917

An ordinance of the City of Boca Raton establishing the Elder Affairs Advisory Board; providing for the membership, appointment, term, quorum, compensation, powers and duties of the Board; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Baronoff.

14. Ordinance No. 4918

An ordinance of the City of Boca Raton amending Section 2-26, Code of Ordinances, to increase the salary of members of the City Council; providing for submission of the proposed salary increases to the electors of the City at the regular election to be held on March 14, 2006; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hager.

15. Ordinance No. 4919

An ordinance of the City of Boca Raton proposing an amendment to the City Charter extending the length of the terms for the Mayor and City Council Members and reducing the maximum number of permitted consecutive terms; extending the terms of Council Members due to expire in March 2007 by one additional year; providing for submission of the proposed charter amendment to the electors of the City at the regular election on March 14, 2006; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

16. Ordinance No. 4920

An ordinance of the City of Boca Raton establishing definitions, policies and regulations relating to workforce housing; 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:

Stefan Freeman advocated creation of a dog beach and an area for catamarans.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager reported that the proposal to locate the Scripps Research Institute in Boca Raton would be ready for submittal on Thursday; many copies will be made for distribution, as there is a great deal of interest in this proposal.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie asked for an update on the Education Advocate, questioning whether the position had been filled as was reported in the newspaper. Mr. Ahnell explained that the position had not been filled; the job description was recently written and the City planned to advertise for same soon.

Council Member Baronoff confirmed with the City Manager that Palm Beach County School Board Representative Mark Hansen would be attending the Council Workshop meeting of January 23, 2006. He then mentioned that the members of the Greater Boca Raton Beach and Park District wished to schedule a follow-up meeting with Council and asked whether Mr. Ahnell had received such a request. The City Manager advised that he had received a verbal request; he was awaiting official notification. Last of all, Mr. Baronoff provided positive commentary related to the efforts of City staff in preparing the Scripps Research Institute proposal.

Council Member Hager also spoke optimistically regarding City staff's efforts in preparing the Scripps Research Institute proposal.

Deputy Mayor Whelchel asked that staff notify interested parties that School Board Representative Mark Hansen was scheduled to appear at the next workshop meeting. Council was in agreement with Ms. Whelchel regarding four issues Mr. Hansen would be asked to address, related to the half-cent sales tax and the dollars that were to be committed to purchasing land adjacent to Boca Raton High School for ball fields. Specifically, 1) Will the School District purchase any properties adjacent to the Boca Raton High School campus, as outlined in the sale tax referendum? 2) If not, will there be a financial allotment given directly to Boca High as a result of not purchasing property? 3) If the two prior questions are answered negatively, what does the School District intend to do regarding equality of sports fields? (Boca High as compared with new schools that are being built). 4) Where is the City in terms of the School District working with the City? (Taking into consideration the removal of fields vs. "putting back" fields so the City is working with the same numbers with the schoolchildren and with the public as we have in the past.)

Mayor Abrams complimented Recreation Services staff for resolving the baseball field scheduling problems. Referring to Scripps, he advised that he attended a meeting with the Boca Raton Community Hospital's Executive Committee where the proposal was well received. In addition, the West Boca Community Council also expressed interest in Scripps, and the City of Deerfield Beach was meeting tonight to discuss same as well.

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 and Council Member Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:45 p.m. on Tuesday, January 10, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk