

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 10, 2007
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:

Deputy Mayor Whelchel 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:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Workshop Meeting of March 26, 2007
Minutes of the Regular Meeting of March 27, 2007

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 Arts, Baronoff, and Hager voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Woodfield Cancer Research Unit Day – April 15, 2007

There was no one present to accept the proclamation.

Water Conservation Month – April 2007 / Drinking Water Week – May 6 - May 12, 2007

Utility Services Director Chris Helfrich accepted the proclamation for Water Conservation Month. In honor of Drinking Water Week, three young winners of a T-shirt poster contest were each awarded a Certificate of Participation and a \$25 gift card.

At this time, Mr. Helfrich provided an update on the City's IRIS (reclaimed) water system in response to comments made at yesterday's workshop meeting.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – four (4) vacancies.

Shawn Friedkin interviewed for a position on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Shawn Friedkin and Paul Rockwell, and to reappoint Maryellen Burton-Jones and Charles Pipes, 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.

Mr. Friedkin and Mr. Rockwell were appointed to the Board; Ms. Burton-Jones and Mr. Pipes were reappointed.

- b. Citizens' Pedestrian & Bikeway Advisory Board – two (2) vacancies.

Debbie Etienne interviewed for a position on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Debbie Etienne to the Citizens' Pedestrian & Bikeway Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Etienne was appointed to the Board.

- c. Elder Affairs Advisory Board – one (1) vacancy.

There were no applicants.

- d. Environmental Advisory Board – two (2) vacancies.

Motion was made by Council Member Arts, seconded by Council Member Hager, to reappoint Daniel Taylor and Donald Stone 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.

Mr. Taylor and Mr. Stone were reappointed to the Board.

- e. Marine Advisory Board – one (1) vacancy (professional engineer with experience in marine and coastal matters).

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to appoint Karen Akers to the Marine Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Akers was appointed to the Board.

- f. Pearl City Blue Ribbon Committee – one (1) vacancy (resident of Dixie Manor, Pearl City, or Lincoln Court).

There were no applicants.

2. Responses to Workshop Information Requests:

Mr. Ahnell advised that answers to yesterday's workshop questions would be forthcoming in memo form; he then provided additional commentary related to the City's IRIS (reclaimed water) program, which Utility Services Director Chris Helfrich had spoken to earlier in the evening. He referred to the term, "100% reuse facility," advising that one of the obstacles limiting the use of recycled water is the amount of wastewater available to recycle. He stated that the City has plans to expand this successful program to use 15 million gallons of water a day; once that goal is achieved, the City will be using 100% of the wastewater being recycled. However, this does not mean that the entire City will be using recycled water.

3. Consent Agenda:

Mayor Abrams provided the public with an opportunity to comment on the Consent Agenda; no one came forward to speak.

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

Responding to Mayor Abrams, Mr. Ahnell advised that Council would be provided with a schedule outlining the parks to receive the lightning prediction systems (Consent Item 3.b.1.), along with the proposed dates of installation.

a. Sealed Bid

- 1) Red Reef Park Dune Overwalk Repairs
Requested by Recreation Services
Hartzell Construction \$88,200

b. Sole Source

- 1) Lightning Prediction System
Requested by Recreation Services
Thor Guard, Inc. \$99,475

c. Resolution No. 35-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute a Grant Agreement for an Economic Development Initiative Grant from the United States Department of Housing and Urban Development, pursuant to Resolution 142-2006, for the implementation of streetscape improvements in accordance with the Pearl City Master Plan; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 36-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute a Grant Agreement for an Economic Development Initiative Grant, pursuant to Resolution 210-2005, for the implementation of streetscape improvements in accordance with the Pearl City Master Plan; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 37-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the renewal of the South Florida High Intensity Financial Crimes Area Task Force (SFHIFCATF) Memorandum of Understanding with the Internal Revenue Service (IRS) along with the Office of the State Attorney of Palm Beach County for the purpose of disrupting, dismantling, or rendering ineffective organizations involved in the laundering of proceeds of all financial crimes in the South Florida area; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 38-2007

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. 39-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the second amendment to Agreement 02PB1 with the Florida Department of Environmental Protection for the purpose of reimbursable funding for design and permitting, construction and monitoring of the Central Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 40-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Terry Cohen, M.D., for the purpose of providing professional services as medical director for emergency and non-emergency medical services provided by the Fire Rescue Services Department; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 41-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Keith and Schnars, P.A. for the purpose of providing professional engineering services; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 42-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Keith and Schnars, P.A. for the purpose of providing professional engineering services for El Rio Canal Shared Use Pathway between Yamato Road and L-40 Canal; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 43-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. Two, Three, and Four with Renaissance Planning Group for the purpose of providing consulting services and preparing EAR-based Plan Amendments and land development regulations related to the Multimodal Transportation Initiative; providing for severability; providing for repealer; providing an effective date

l. Receive and File Board Minutes – April 10, 2007

- 1) Community Appearance Board
March 6, 2007
- 2) Community Relations Board
February 12, 2007
- 3) Environmental Advisory Board
December 21, 2006
- 4) Historic Preservation Board
February 20, 2007
- 5) Special Master
February 14, 2007

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:

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4975

An ordinance of the City of Boca Raton codifying reasonable accommodation procedures pursuant to the Fair Housing Amendments Act and Title II of the Americans with Disabilities Act; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney stated that this ordinance would codify the reasonable accommodation procedures for the zoning code, as previously discussed before Council.

William Hill, an attorney with Bilzin, Sumberg, Baena, Price, and Axelrod in Miami, came forward to speak during the public hearing but first noted his firm's affiliation with Council Member Hager, who is retained by his firm on an on-going basis as an expert witness; the City Attorney addressed her comments to Mr. Hager and ultimately advised that there would be no voting conflict.

Mr. Hill, representing the plaintiffs in what is known as the "sober house" litigation, then spoke in opposition to the ordinance, citing language in the text related to a medical records requirement, a public hearing requirement for appeals, substantive standards, and a writing requirement; details were provided.

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

The City Attorney stated that she disagreed with Mr. Hill as to what the court found in regard to "reasonable accommodation," noting that a temporary injunction was in place until the City codified a procedure for "reasonable accommodation," which is what this ordinance would accomplish. She then noted that the City of Hanford case, which was entered into by the Department of Justice, was cited by the plaintiffs during the trial as the model for legislation; that model was used as the basis for many of the regulations found in the ordinance before Council tonight. Ms. Frieser then proceeded to address each of the points raised by Mr. Hill and concluded her statements by advising that Council adopt the ordinance.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4975. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

5. Ordinance No. 4976

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement at 900 South Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-02)

The ordinance was introduced by Deputy Mayor Whelchel.

6. Ordinance No. 4977

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an ingress/egress easement at 900 South Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-01)

The ordinance was introduced by Council Member Hager.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Peter Pearlman (phonetic) voiced support of the proposed ice rink, as did Bob Albeck, who spoke later. John Stetz advocated construction of a desalinization plant and windfarm generators as a means of conserving water.

Kevin Stroid (phonetic) relayed concerns over a personal matter regarding a hearing before the Special Master related to roof repair permitting; the City Manager is to have staff follow up.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

7. Analysis Regarding Widening of NW 12th Avenue

The City Manager reported that staff had completed the analysis of NW 12 Avenue, as requested by Council in response to residents' concerns over road widening in that area. The particular section in question is north of Palmetto Park Road, which includes the area fronting Boca Raton Middle School. Background information was provided. Mr. Ahnell explained that the residents hired a traffic engineer who came up with three designs that they found acceptable; however, none of those designs met State standards. He then reviewed issues that were uppermost to the residents; details were provided. Mr. Ahnell also advised that construction costs have escalated significantly since September, when the project originally came before Council, and the cost is now over \$14 million; the City did not budget that amount for this project.

As an alternate solution, Mr. Ahnell suggested moving forward with intersection improvements for NW 12th Avenue and NW 8th Street, as required under the agreement with the Palm Beach County School District. This would provide for stacking and turn lanes in that area; staff would continue to monitor traffic following completion of the improvements to determine the next course of action.

Should Council choose to move forward with the original project, as presented by staff in September, Mr. Ahnell explained that the City would either need to cancel other projects, issue bonds, or use a significant amount of reserves, in order to finance the cost.

Richard Krooss (misspelled in previous minutes as, "Kruse") referred to a section of NW 8th Street that approaches the middle school, speaking to a deceleration lane and a 12-foot strip of grass, and requested information related to plans for that area. Responding to his concerns, Municipal Services Director Bob DiChristopher advised that he was in receipt of designs from the School Board for that section, which he would review with Mr. Krooss.

Council agreed that intersection improvements should be made, acknowledging that traffic is a major issue there and it will only get worse in light of significant development plans proposed by FAU (Florida Atlantic University) and Boca Raton Community Hospital. Mr. Ahnell was queried as to whether the City should delve into reserves for the road widening or whether perhaps developers for the hospital could help pay for road widening as part of the approval. Responding to Council, Mr. Ahnell reiterated his recommendation to make the intersection improvements and noted another financial obstacle, specifically, based on new legislation, the burden of road widening has been shifted from private developers to the City, which is yet another cost. He concluded his comments by stating that, due to the significant cost, he could not recommend that Council move forward with this project at this time. Mr. Ahnell then answered additional questions from Council; it was decided that the road-widening project would be considered during the budget process.

8. Setting Summer Meeting Schedule

Council reviewed their calendars to determine which, if any, meetings they would like to cancel for summer; brief discussion followed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, canceling the last workshop and regular meetings in June 2007 (June 25 & 26) and canceling the first and second workshop and regular meetings in July 2007 (July 9 & 10 and July 23 & 24). Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

PBC League of Cities Alternate

The City Manager advised that an alternate representative of the City was needed for the Palm Beach County League of Cities. Council agreed that Mayor Abrams would serve as the alternate.

CITY ATTORNEY REPORTS:

Ms. Frieser requested authorization from Council to schedule executive sessions as they relate to the "sober house" litigation.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, authorizing the City Attorney to schedule executive sessions on an as-needed basis in regard to what is informally known as the "sober house" litigation. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor Abrams reminded those present that Youth Government Day was scheduled for next Wednesday, April 18, 2007.

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 7:23 p.m. on Tuesday, April 10, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk