

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 22, 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:

Deputy City Manager George S. Brown
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to amend the agenda to add Resolution No. 69-2007 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 May 7, 2007
Minutes of the Regular Meeting of May 8, 2007

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

National Safe Boating Week – May 19 through May 25, 2007

Mayor Abrams presented the proclamation to a representative of the U.S. Coast Guard.

Rev. George Andrews Day – May 22, 2007

Mayor Abrams presented the proclamation to Rev. Andrews in recognition of his many years of service.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions advertised.

2. Responses to Workshop Information Requests:

The Deputy City Manager advised that responses to questions would be covered in tonight's presentations or forthcoming in memo form at a later date.

3. Consent Agenda:

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

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

a. Sealed Bid

- 1) El Rio Canal Shared Use Pathway
Requested by Municipal Services
Asphalt Consultants, Inc. \$1,723,636

b. Resolution No. 63-2007

A resolution of the City of Boca Raton approving and accepting an easement deed from Old Town Tavern, Inc., over certain lands located at 10 Boca Raton Road; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 64-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Environmental Resources Management for removal and control of invasive non-native vegetation on environmentally sensitive City lands; 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

d. Resolution No. 65-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Land and Water Conservation Fund grant from the Florida Department of Environmental Protection for Hillsboro/El Rio Park; 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

e. Resolution No. 66-2007

A resolution of the City of Boca Raton supporting a proposed amendment to the Palm Beach County Charter and finding that the expenditure of public funds in support of the proposed amendment to the Palm Beach County Charter serves a public purpose; providing that the dissemination of information concerning the impacts of this amendment on the citizens of Palm Beach County and the City of Boca Raton is essential to the health, safety, protection and welfare of the City and its citizens; providing for severability; providing for repealer; providing an effective date

f. Board Resignations

- 1) Resignation of Albert Hyman from the Builders' Board of Adjustment and Appeals

g. Receive and File Board Minutes – May 22, 2007

- 1) Community Appearance Board
April 10, 2007
April 17, 2007
April 24, 2007
- 2) Community Relations Board
March 19, 2007
- 3) Downtown Boca Raton Advisory Committee
March 21, 2007
- 4) Education Advisory Board
March 26, 2007
- 5) Elder Affairs Advisory Board
April 4, 2007
- 6) Executive Employees' Retirement Plan Board
February 27, 2007
- 7) Financial Advisory Board
February 20, 2007
- 8) Library Advisory Board
February 21, 2007
- 9) Marine Advisory Board
April 4, 2007
- 10) Planning and Zoning Board
March 22, 2007
- 11) Special Master
January 24, 2007
March 14, 2007
March 28, 2007
April 11, 2007

3.h. Resolution No. 69-2007

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to Parks and Recreation Impact Fees; providing for severability; repealing Resolution 54-2007; providing for repealer; providing an effective date

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. 4985

An ordinance of the City of Boca Raton amending Section 25-36, Code of Ordinances, to revise the procedure for vacation and abandonment of rights-of-way; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 59-2007

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to the application fee for abandonment of rights-of-way; providing for severability; providing for repealer; providing an effective date

The Deputy City Manager gave the presentation, explaining that the ordinance would delete an existing requirement for monetary or in-kind compensation for abandonments, thereby bringing the City Code into conformance with Florida law. He noted that this was a housekeeping measure and that the Planning and Zoning Board unanimously recommended approval of same. Regarding the resolution, Mr. Brown indicated that, if approved, the User Fee Schedule would be amended to reflect an updated fee for review, processing, and completion of right-of-way abandonment applications. The fee is based on staff costs associated with the analysis of the abandonment. The Financial Advisory Board unanimously recommended approval of the fee schedule adjustment.

Mr. Brown drew attention to a memorandum, provided in response to yesterday's workshop request, which detailed the time expended by the City's Property Appraiser/Specialist in processing abandonment applications. Samples of three cases were provided wherein the amount of time expended was delineated. Mr. Brown added that the time and effort spent in bringing an application forward to Council was simply the beginning of the process; much follow-up work is necessary to ensure that conditions of abandonment are being met. Responsibilities include, but are not limited to: 1) drafting of documents, 2) review of documents presented by the petitioner, 3) coordination with all parties in terms of the hearing and post-hearing, including City departments, utility companies, surveyors, attorneys, petitioners, and engineers, 4) review, approval and verification of the accuracy of deeds, releases, certifications, and any other documents related to the abandonment.

Responding to Council, Mr. Brown explained that the petitioner does not pay a purchase price for the abandonment; they pay a processing fee. By Florida law, the City does not charge a price for the land, as the City does not have a title interest in the land; the City Attorney provided additional clarification. In response to further queries, Ms. Frieser added that once the City gives up its interest, it does so in perpetuity; 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 Baronoff, to adopt Ordinance No. 4985. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Hager, seconded by Council Member Arts, to adopt Resolution No. 59-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

5. Ordinance No. 4981

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Water Easement, located at 5440 Glades Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-04)

The City's Property Specialist/ Appraiser Lynn Bodor gave the PowerPoint presentation, explaining that this was a petition for abandonment of a portion of a water easement that extends east to west in the southernmost portion of the BP Amoco gas station site at 5440 Glades Road. Background information was provided related to the approval, in August 2006, of the gas station site. In line with that approval, a new building and trash enclosure will conflict with a portion of the existing easement.

Ms. Bodor advised that all appropriate City departments were contacted and supported the abandonment. However, the Utility Services Department has an 8-inch water main in the area of the abandonment and conditioned their approval upon relocation of their facilities with a new easement over the relocated main. In conclusion, staff recommended approval with the conditions listed in the ordinance.

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. 4981. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

6. Ordinance No. 4982

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 17th Avenue and N.W. 16th Terrace at N.W. 13th Street; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-06)

The City's Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation, explaining that this was a request to abandon the cul-de-sac portions of NW 17th Avenue and NW 16th Terrace, abutting the northern boundary of NW 13th Street, for incorporation into the 98-unit Country Club Village site plan that was approved by the Planning and Zoning Board in April 2007; that site plan is contingent upon approval of this petition. It was noted that the areas of abandonment were entirely contained within the approved project; the approved site plan reconfigured these areas into driveways that preserved ingress and egress to the site.

Ms. Bodor advised that all appropriate City departments and franchised utilities were contacted and supported the abandonment. However, Florida Power and Light and the Utility Services Department have facilities located in the area of abandonment and conditioned their approvals accordingly. The Development Services Department, in line with the City's multi-modal initiative, requested and was granted a 10-foot wide pedestrian access easement that would ultimately provide access to a future pedestrian bridge, linking bicycle and walking paths; details were provided. Ms. Bodor concluded her presentation by advising that the Planning and Zoning Board unanimously recommended approval of this petition, as did staff, subject to the conditions outlined in the ordinance.

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. 4982. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

7. Ordinance No. 4983

An ordinance of the City of Boca Raton amending Section 28-1741, Code of Ordinances, to remove the Parks and Recreation Board and Environmental Advisory Board reviews in the Planned Unit Development Master Plan approval process; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-06-09)

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, advising that this was a housekeeping item. She explained that two ordinances, passed in 2006, eliminated the need for review of PUDs (Planned Unit Developments) by the Parks and Recreation Board. Previously, the Board reviewed PUDs to determine land dedication fees or payment in lieu of land dedication fees for park and recreation purposes. Ms. Simon provided information found in the two ordinances mentioned previously, negating the need for review of PUDs by the Parks and Recreation Board.

In regard to review of PUDs by the Environmental Advisory Board (EAB), Ms. Simon explained that the majority of PUDs in the City are considered smaller infill redevelopment projects, with no environmentally significant resources. Consequently, the requirement that all PUDs be reviewed by the EAB places an unnecessary burden on the Board and the petitioner. This amendment would eliminate the EAB review requirement and streamline the development review process. Ms. Simon concluded her presentation by advising that the Planning and Zoning Board reviewed and unanimously recommended approval of this ordinance, as did staff.

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. 4983. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

8. Ordinance No. 4984

An ordinance of the City of Boca Raton amending Section 2-328, Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum and the Boca Raton Municipal Golf Courses; providing for severability; providing for repealer; providing for codification; providing an effective date

The Deputy City Manager gave the presentation, explaining that this ordinance provides for an adjustment in the methodology for calculating and applying the Consumer Price Index (CPI) to the fees at the municipal cemetery and the municipal golf course. In addition, it provides for rounding of fees at the municipal golf course to the nearest quarter dollar, rather than to the nearest half dollar, to keep fees in line with actual CPI increases.

It was also noted that the change in the methodology modifies the months of the year in which the CPI might be applied; this would assist staff in the preparation of the budget and ensure that the fees reviewed are appropriately in line with adjustments made the prior year in the CPI.

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. 4984. 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:

9. Ordinance No. 4979

An ordinance of the City of Boca Raton amending the Fiscal Year 2006-2007 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Hager.

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.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Property Taxes

The Deputy City Manager advised that the State Legislature's Finance and Tax Committee planned to meet on June 4, 2007. In addition, the Legislature's Special Session regarding property tax reform was scheduled for June 12 through June 22, 2007. Mr. Brown noted that the City's lobbyists are closely following the Legislature's movements; however, at this point, there was not much to report. Mayor Abrams advised that he had attended a recent Florida League of Mayors meeting and confirmed with Council Member Arts that he would be in attendance at an upcoming Florida League of Cities meeting.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel alluded to a State law regarding gas stations and generators and questioned the City's hurricane readiness in terms of same. Mayor Abrams referred to the summit that was held last year between staff and gas station owners located within the City and advised that approximately 70% would have power in the aftermath of a hurricane; details were provided. Responding to another query from Ms. Whelchel, Mr. Brown explained that private entities wishing to assist the City in terms of first response efforts after a disaster should contact the City Manager's Office.

Ms. Whelchel referred to the recent interest in green buildings and stated that six green residences are being built in the Palm Beach Farms subdivision. She then concluded her comments by advising that the Mayor and Council toured the new library site; completion of same is expected in December.

Council Member Baronoff congratulated Council Member Arts on his appointment to the FAU (Florida Atlantic University) Foundation Board before noting that a Memorial Day ceremony would be held May 28, 2007, at 10AM, in the City's cemetery, commemorating those who gave the ultimate sacrifice.

Council Member Arts welcomed those members of the Chamber of Commerce who were in attendance this evening.

ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned without objection at approximately 6:45 p.m. on Tuesday, May 22, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk