

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 13, 2008
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 6:00 p.m.

INVOCATION:

Council Member Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Mayor recognized students from Verde Elementary School, who were asked to lead the Pledge of Allegiance.

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

The agenda was amended to remove Agenda Item No. 3.i. from the Consent Agenda for separate consideration under "Part VII – Resolutions and Other Business." There were no objections.

MINUTES:

Minutes of the Regular Workshop Meeting of April 21, 2008
Minutes of the Regular Meeting of April 22, 2008

Motion was made by Council Member Arts, seconded by Council Member Hager, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, 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:
 - a. Airport Authority – three (3) vacancies.

Richard Feini interviewed for a position on the Airport Authority.

Motion was made by Council Member Hager, seconded by Council Member Arts, to reappoint Harold Ingraham, Frank Feiler, and Paul Carman to the Airport Authority. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

b. Airport Authority Aviation Advisory Committee – one (1) vacancy.

Ben McCaul expressed interest in reappointment to the Committee; Richard Feini also interviewed for the position.

1) Resolution No. 56-2008

A resolution of the City of Boca Raton making an appointment to the Aviation Advisory Committee of the Boca Raton Airport Authority, subject to the limitations of authority contained herein; providing for severability; providing for repealer; providing an effective date

Motion was made by Council Member Hager, seconded by Council Member Haynie, adopting Resolution No. 56-2008 and reappointing Ben McCaul to the Airport Authority Aviation Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. McCaul was reappointed to the Committee.

2. Responses to Workshop Information Requests:

The City Manager advised that responses to questions from yesterday’s workshop meeting would be provided in memo form at a later date. He also noted that the requested comparison of grant dollars would be forthcoming next week.

3. Consent Agenda:

Mayor Whelchel provided an opportunity for any member of the public to comment on the Consent Agenda; no one came forward to speak.

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

a. Intergovernmental Agreement

1) Turf Equipment (Replacement)	
Requested by Recreation Services	
Wesco Turf Supply, Inc.	\$72,534

b. Sole Source

1) Bio-Diesel Fuel	
Requested by Municipal Services	
TransMontaigne Products Services, Inc.	\$200,000

c. Resolution No. 57-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 18 with Boyle Engineering Corporation for the purpose of providing professional engineering services for surveys, designs, inspections, construction plan preparation, specifications and contract documents for N.W. 12th Avenue; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 58-2008

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

e. Resolution No. 59-2008

A resolution of the City of Boca Raton authorizing the City Manager or designee to execute a Phase Two Frequency Reconfiguration Agreement with Nextel South Corp. for the purpose of rebanding the City of Boca Raton's 800 MHz radio system; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 60-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with Camp Dresser & McKee Inc. for the purpose of providing consulting services for the Glades Road Water Treatment Plant rehabilitation of gravity filters project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 61-2008

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the Caribbean Conservation Corporation for the Sea Turtle Grants Program; authorizing the acceptance of 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

h. Resolution No. 62-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for three grants from the South Florida Water Management District's Alternative Water Supply Grant Program for the expansion of the reclaimed water system; authorizing the acceptance of said grants, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Minutes – May 13, 2008

- 1) Citizen's Pedestrian and Bikeway Advisory Board
January 14, 2008
February 11, 2008
- 2) Community Appearance Board
March 25, 2008
April 1, 2008
April 8, 2008
April 15, 2008
- 3) Community Relations Board
March 17, 2008

- 4) Downtown Boca Raton Advisory Committee
March 26, 2008 (Special Meeting)
- 5) Elder Affairs Advisory Board
March 5, 2008
- 6) Financial Advisory Board
February 19, 2008
March 31, 2008
- 7) Historic Preservation Board
March 18, 2008
- 8) North Federal Highway Steering Committee
February 5, 2008
- 9) Parks and Recreation Board
March 4, 2008
- 10) Planning and Zoning Board
March 20, 2008
- 11) Special Master
February 27, 2008

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:

4. Resolution No. 42-2008

A resolution of the City of Boca Raton considering the request of Camden Summit Partnership L.P. to extend the expiration date of Building Permit Number 05-8088 for the Summit project located at 131 South Federal Highway; providing for severability; providing for repealer; providing an effective date

The City Attorney advised that quasi-judicial procedure would be followed for the public hearing; there were no ex parte disclosures. At this time, the City Clerk administered the oath to those who indicated they wished to speak.

Development Services Building Official, Michael Fichera, gave the PowerPoint presentation, advising that a permit extension was being requested for the Summit project, which is a 9-story, mixed-use building with residential, office, and retail, including a parking garage component. He noted that this was the applicant's third request for a permit extension; City Code provides for a total of three time extensions, the last of which must be authorized by the City Council. There followed a brief timeline of the extensions approved thus far. Mr. Fichera indicated that a third and final extension from Council could not exceed 24 months; however, building permits become null and void at the end of three years from the date of issuance. Therefore, the proposed extension, if approved, would expire August 17, 2009, given the original issue date of August 17, 2006.

Responding to Council, the City Attorney provided clarification regarding this development approval and the resolution passed by the CRA (Community Redevelopment Agency) yesterday. Council also confirmed with Mr. Fichera that no work has been started on this project.

Courtney Crush, the attorney representing the applicant, provided a history of this project, changes in ownership, and justification for the extension request, which included increased construction costs. She concluded her comments by responding to a query from Council, advising that she believed this project was universally welcomed and would be an asset to the community. She stated it would not be a vacant condominium building; her clients wished to see it built.

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 Baronoff, to adopt Resolution No. 42-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 5034

An ordinance of the City of Boca Raton amending Sections 19-75 and 19-77(5), Code of Ordinances, relating to appeals of decisions of the Builders' Board of Adjustment and Appeals; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 54-2008

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing a fee for appeals of decisions of the Builders' Board of Adjustment and Appeals; providing for severability; providing for repealer; providing an effective date

The City Attorney advised that the ordinance was brought forward at the direction of Council and would effectuate the change in the appeal process, as previously discussed, for the Builders' Board of Adjustment and Appeals. Specifically, direct appeals and appeals of variances would now be made to the City Council. The resolution amends the user fee schedule to reflect a new administrative fee, which is required in order to file the appeal; the fee matches other administrative fees. The City Manager added that staff was requested to bring this item before Council as a result of an issue related to a dock, that citizens might appeal to Council as opposed to pursuing private remedies. Responding to Council, Ms. Frieser clarified that this change in procedure tonight did not affect the dock issue and interested parties connected with that issue were aware of the City's position.

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

Motion was made by Council Member Arts, seconded by Council Member Haynie, to adopt Ordinance No. 5034. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 54-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, 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:

6. Ordinance No. 5035

An ordinance of the City of Boca Raton amending Sections 16-31 and 16-33 of the Boca Raton Code of Ordinances to provide for parking enforcement in City, County and State parking facilities located within the City of Boca Raton; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hager introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Valeska Testamarck, a Verde Elementary School student, requested information regarding motions. The City Attorney provided an explanation on the function of motions.

Francesca Iodice and Jordan Bensemama, also students of Verde Elementary, referred to the trees that had been planted at Verde Elementary School on Arbor Day and advised that some appeared to be dying.

Motion was made by Council Member Haynie, seconded by Council Member Hager, directing the City Manager to have the City's arborist visit Verde Elementary School to check on the leafless trees. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Oliver Shore, another Verde Elementary School student, advised that his parents received flyers about the closing of a City pool and/or a reduction in the number of hours that the pool would be open and requested information regarding same. The City Manager explained that maintenance was probably the reason for a temporary closure or reduced hours; however, he would follow up and a response would be sent to Mr. Shore at his school.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.i. Resolution No. 63-2008

A resolution of the City of Boca Raton reaffirming the position of the City relating to the potential development of the Boca Raton Tri-Rail site; providing for severability; providing for repealer; providing an effective date

Council Member Arts acknowledged that the City was under leadership of a new Council and a new Mayor and indicated that a reaffirmation of the City's position on the Tri-Rail site was necessary, particularly in light of the posture exhibited by others at the last Tri-Rail board meeting attended by former Mayor Abrams. Mr. Arts concluded his comments by asking for Council's support.

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to adopt Resolution No. 63-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor and Council referred to the impending retirement of Planning and Zoning Director Carmen Annunziato and joined in wishing him all the best. As requested, Mr. Annunziato addressed those present and tendered his farewell.

Council Member Arts requested an update on consolidation of the City's Boards. Mr. Ahnell indicated that a report could be forthcoming at one of the next two workshop meetings.

Mayor Whelchel thanked the students from Verde Elementary School for attending tonight's meeting.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:55 p.m. on Tuesday, May 13, 2008.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk