

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MARCH 25, 2008
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 Hager 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 Hagerty

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to amend the agenda as follows:

- 1) *to add Resolution No. 44-2008 to the Consent Agenda as Item No. 3.o.,*
 - 2) *to delete Item No. 3.k. from the Consent Agenda,*
 - 3) *to add Resolution No. 43-2008 under, "Part III – Regular Public Hearings," as Item No. 3.p., and*
 - 4) *to add Ordinance No. 5032 under, "Part V – Introduction of Ordinances," as Item No. 7.a.*
- 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 February 25, 2008
Minutes of the Regular Meeting of February 26, 2008

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, 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 Weekend – April 5 & 6, 2008
Bobbi Friedman accepted the proclamation.

Alzheimer's Community Care

Rich Lucas from Alzheimer's Community Care presented Mayor Abrams with a plaque in recognition of his continued support.

Mayor Steven L. Abrams

Mayor-elect Whelchel presented Mayor Abrams with a proclamation honoring his many years of service to the City of Boca Raton.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies.

There were no applicants.

- b. Code Enforcement Board – one (1) vacancy.

Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to appoint Pamela Martyna to the Code Enforcement Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Martyna was appointed to the Board.

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

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

Ms. Sneider was appointed to the Board.

- d. General Employees' Pension Board – one (1) vacancy.

Motion was made by Council Member Arts, seconded by Council Member Hager, to reappoint Nicole Gasparri to the General Employees' Pension Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Ms. Gasparri was reappointed to the Board.

- e. Pearl City Blue Ribbon Committee – one (1) vacancy.

There were no applicants.

- f. Planning and Zoning Board – two (2) vacancies.

Neil Schiller and Steven Deutsch interviewed for positions on the Board; Mayor Abrams advised that John Tombari was interested in serving on the Board but was unable to interview this evening.

The floor was then opened for nominations. Council Member Arts nominated Bill Fairman; Council Member Baronoff nominated Neil Schiller; Deputy Mayor Whelchel nominated Steven Deutsch.

In the voting: Mayor Abrams and Deputy Mayor Whelchel voted for Mr. Deutsch and Mr. Fairman; Council Members Arts, Baronoff, and Hager voted for Mr. Fairman and Mr. Schiller.

Mr. Fairman was reappointed to the Planning & Zoning Board; Mr. Schiller was appointed.

- g. Police & Firefighters' Pension Board – two (2) vacancies.

Motion was made by Council Member Arts, seconded by Council Member Hager, to reappoint John Girard and Richard Robinson to the Police & Firefighters' Pension Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Girard and Mr. Robinson were reappointed to the Board.

- h. Zoning Board of Adjustment – two (2) vacancies.

Jason Mankoff expressed interest in reappointment.

Motion was made by Mayor Abrams, seconded by Council Member Baronoff, to reappoint Jason Mankoff and Spencer Siegel to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Mankoff and Mr. Siegel were reappointed to the Board.

2. Responses to Workshop Information Requests:

Mr. Ahnell referred to a question raised at yesterday's workshop meeting regarding fuel storage tanks and whether they were double-walled. He clarified that all of the City's 29 underground storage tanks used for fuel are currently in compliance. However, staff is completing work on double-walling of 4 tanks in order to meet a deadline of December 31, 2009, which requires double-walling of storage tanks; the other 25 are already double-walled.

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 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. Sealed Bids

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1) | Boca Raton Inlet North Jetty Reconstruction
Requested by Municipal Services
The Vance Construction Co. | \$974,750 |
| 2) | Ground Storage Tank Cleaning and Inspection Services
Requested by Utility Services
Crom Engineering and Construction Service | \$83,000 |

- 3) Emergency Standby Generator (New)
Requested by Fire Rescue Services
Palm Beach Generator, Inc. \$74,333

- b. Intergovernmental Agreement
 - 1) Fire Hydrant Audit
Requested by Utility Services
Metro Hydrant and Valve Services, Inc. \$92,000

 - 2) Bi-Directional Tractors (Replacements)
Requested by Municipal Services
Sunrise Tractor and Equipment Inc. \$159,240

- c. Competitive Sealed Proposal - Renewal
 - 1) Property Insurance - Renewal
Requested by Financial Services
Beacon Group, Inc. \$1,342,424

d. Resolution No. 33-2008

A resolution of the City of Boca Raton relating to the levy of special assessments for the construction of a wastewater collection system and other improvements in an area generally known as Hidden Valley, as more particularly described herein; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 34-2008

A resolution of the City of Boca Raton approving and accepting a Quit Claim Deed from U.S. Epperson Underwriting Company, over certain lands located at the southwest corner of Butts Road and Military Trail; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 35-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with LBFH, Inc. for the purpose of extending the term, amending certain provisions thereof, and assigning the terms, conditions and approved work orders pursuant to the agreement with LBFH, Inc. to Boyle Engineering Corporation, its successors by merger; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 38-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation Safety Office for the Highway Safety Grant 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. 39-2008

A resolution of the City of Boca Raton authorizing a waiver of procurement procedures, authorizing the Mayor and City Clerk to execute an agreement for consulting services with Urban Design Associates, P.C., for the purpose of developing an approach for downtown design guidelines; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 40-2008

A resolution of the City of Boca Raton authorizing Work Order Number One, with Urban Design Associates, P.C., for the purpose of providing professional planning services in the downtown, including urban design review on a cost recovery basis; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 41-2008

A resolution of the City of Boca Raton authorizing Work Order Number Two, with Urban Design Associates, P.C., for the purpose of developing an approach for downtown design guidelines; providing for severability; providing for repealer; providing an effective date

l. Board Resignations

1) Resignation of Elizabeth Alpert from the Boca Raton Housing Authority

m. Receive and File Election Certification

a. March 11, 2008 Regular Election

a) Certification of the election of Susan Whelchel (Mayor), Susan Haynie (Council Seat A) and Peter Baronoff (Council Seat B)

n. Receive and File Board Minutes – March 25, 2008

- 1) Builders' Board of Adjustment and Appeals
January 14, 2008
- 2) Community Appearance Board
January 22, 2008
January 29, 2008
February 5, 2008
February 12, 2008
February 19, 2008
- 3) Elder Affairs Advisory Board
January 2, 2008
- 4) Executive Employees' Retirement Plan Board of Trustees
December 5, 2007
December 12, 2007
- 5) Financial Advisory Board
January 28, 2008

- 6) General Employees' Pension Board
December 3, 2007
January 10, 2008
- 7) North Federal Highway Steering Committee
August 7, 2007
October 2, 2007
- 8) Pearl City Blue Ribbon
November 15, 2007
January 17, 2008
- 9) People with Disabilities
February 7, 2008
- 10) Planning & Zoning
January 3, 2008
January 17, 2008
February 7, 2008
- 11) Police and Firefighters' Pension Board
November 29, 2007
December 20, 2007
January 4, 2008 (Special Meeting)
January 4, 2008 (Joint Adm. Committee with Gen. Employees' Pension Bd.)
January 24, 2008 (Investment Committee)
January 24, 2008
- 12) Special Master
September 26, 2007
November 28, 2007

3.o. Resolution No. 44-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to accept a grant from the Bay Branch Foundation for the purpose of purchase, delivery, installation, and maintenance of public art; authorizing the City Manager to execute agreements and take other actions necessary to acquire and install public art with the grant funds; authorizing the City Manager to accept additional grant funds if extended by the Bay Branch Foundation; providing for severability; 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:

3.p. Resolution No. 43-2008

A resolution of the City of Boca Raton advising the Palm Beach County Board of County Commissioners of the City's opposition to any increases in County impact fees; providing for severability; providing for repealer; providing an effective date

The City Manager advised that staff was directed to prepare a response to the County's proposal to increase impact fees; the above resolution indicates that the City is in opposition to same. Mr. Ahnell referred to the handout previously distributed and explained that the County proposed to increase fees on average by 98%, resulting in Palm Beach County having the highest impact fees in the State of Florida; details and examples were provided. Mr. Ahnell then provided additional information to Council, as requested, related to the justification for the increases, the Impact Fee Review Committee's recommendation, and when this item is anticipated to come before the County Commission.

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 Resolution No. 43-2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

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

4. Resolution No. 36-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim with Lea Louis (GL04-0013-MS); 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 to speak, closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 36-2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

5. Resolution No. 37-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim with William Schmalz (PP04-0001-PS); 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 to speak, closed.

Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Resolution No. 37-2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

6. Ordinance No. 5030

An ordinance of the City of Boca Raton relating to local business taxes and business regulations; amending various sections of the Code of Ordinances; changing the term “local occupational license tax” to “local business tax” to be consistent with Chapter 205, Florida Statutes; creating Article III of Chapter 8, to recodify and clarify the continued applicability of existing business regulations; repealing Article VI of Chapter 8, Code of Ordinances, relating to cable television; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hager.

7. Ordinance No. 5031

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute non-exclusive Construction and Demolition Debris Roll-off Container Service Franchise Agreement with J & A Waste, Corp., pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

7.a. Ordinance No. 5032

An ordinance of the City of Boca Raton relating to the regulation of establishments serving alcoholic beverages; providing definitions, imposing security requirements and establishing restrictions on the presence of individuals under the age of 21; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Gene Scanlon queried Council regarding Case No. BBAA-07-8917, which was listed on the Consent Agenda this evening; Mayor Abrams stated that the item had been removed. Mr. Scanlon then referred to the decision recently rendered by the Builders’ Board of Adjustment and Appeals in Case No. BBAA-07-8917, advising that he was opposed to same; he asked that Council look into this matter, which related to a boat lift. Mr. Scanlon provided a copy of the petition he submitted at the Builders’ Board meeting to Council and then relayed, in greater detail, what occurred at that meeting. On the advice of the City Attorney, Council did not comment on this issue.

John Gumina provided positive commentary related to Mayor Abrams’ term of office and then offered suggestions as to the direction he would like to see the City take under the leadership of the new Council.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager referred to the ordinance (No. 5014) regarding places of public assembly and advised that staff was still working on same; he anticipated bringing this item before Council in late May or early June. Mr. Ahnell then commented that it had been a pleasure working with Mayor Abrams, who was presiding over his last Council meeting tonight.

CITY ATTORNEY REPORTS:

- 8. Request for Authorization to Conduct an Executive Session in Connection with the Following Case: Boca Raton Mausoleum, Inc., vs. City of Boca Raton.

Motion was made by Council Member Arts, seconded by Council Member Hager, authorizing the City Attorney to schedule an Executive Session in regard to the aforementioned case. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Frieser also wished Mayor Abrams luck in his future endeavors.

MAYOR AND COUNCIL MEMBER REPORTS:

The Council joined together in complimenting outgoing Mayor Steven Abrams on his leadership skills and thanking him for his many years of service to the City. Mayor Abrams responded by advising that it has been an honor to serve; he advised that he was reserving most of his comments for the Organizational Meeting scheduled for Monday, March 31, 2008.

ADJOURNMENT:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, 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 7:15 p.m. on Tuesday, March 25, 2008.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk