

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 24, 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:

Council Member Baronoff gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel (absent – excused)
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:

The agenda was amended to add two proclamations and one presentation; there were no objections.

MINUTES:

Minutes of the Organizational Meeting of April 2, 2007
Minutes of the Regular Workshop Meeting of April 9, 2007
Minutes of the Regular Meeting of April 10, 2007

Motion was made by Council Member Hager, seconded by Council Member Arts, to approve the minutes as presented. Motion carried 4-0; Mayor Abrams, Council Members Arts, Baronoff, and Hager voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Dr. John B. Rowell, DVM

Mayor Abrams presented the proclamation to Dr. Rowell in recognition of his many years of treating service canines. The Police Services Department also presented Dr. Rowell with a commemorative plaque.

Palm Beach International Film Festival – April 19 through 26, 2007

Mayor Abrams presented the proclamation to Yvonne Boice, Chairman of the Palm Beach International Film Festival.

Presentation – Virginia Tech

Jillian Baronoff gave a tribute in remembrance of those who recently lost their lives at the hands of a gunman on the Virginia Tech campus.

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.c.1. - Custom Built Aerial Ladder Truck Replacement) A memorandum was provided. Council Member Arts indicated that he wished to remove this item for separate consideration.

General Fund Expenditures FY 2006 – A memorandum was provided. Mr. Ahnell explained that the increase in expenditures was due solely to hurricane expenses.

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.

The City Manager advised that Consent Agenda Item No. 3.b.2. would be subject to execution of the agreement by him on behalf of the City within 30 days of approval by Council of the contract tonight.

Council Member Arts asked that Item 3.c.1. be removed from the Consent Agenda for separate consideration. The item was moved to Part VII, Resolutions and Other Business.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to approve the Consent Agenda minus Item No. 3.c.1. Motion carried 4-0; Mayor Abrams, Council Members Arts, Baronoff, and Hager voting yes.

a. Sealed Bids

- | | | |
|----|---|-----------|
| 1) | Exterior Painting of Police & Fire Training Facility
Requested by Municipal Services
Roof Painting by Hartzell Inc. | \$61,070 |
| 2) | 6500 Building Parking Lot Resurfacing
Requested by Municipal Services
Hardrives, Inc. | \$102,309 |
| 3) | Reclaimed Water Pipeline Extensions
Requested by Utility Services
CMA Corporation | \$353,476 |

b. Intergovernmental Agreements

- | | | |
|----|---|-------------|
| 1) | Microsoft Office Software Licenses
Requested by City Manager
Software House International | \$90,720 |
| 2) | Library Materials Collection, Cataloging and Processing
Requested by Recreation Services
Baker & Taylor, Inc. | \$1,800,000 |

- c. Sole Source
 - 2) Variable Frequency Drive Pump
Stations-Replacement
Requested by Recreation Services
ITT Flowtronex \$78,751

d. Resolution No. 45-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from U.S. Department of Transportation (USDOT), Research and Innovative Technology Administration (RITA), through the Federal Highway Administration (FHWA) for Intelligent Transportation Systems – Operational Testing to Mitigate Congestion (ITS-OTMC); 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. 46-2007

A resolution of the City of Boca Raton adopting a Local Housing Assistance Plan for Fiscal Years 2007-08, 2008-09 and 2009-10 pertaining to the State Housing Initiatives Partnership Program; establishing a maximum purchase price per unit; authorizing the City Manager or designee to approve expenditures of funds in accordance with the Local Housing Assistance Plan; establishing maximum administrative expenditures; authorizing and directing the Mayor and City Manager to execute any required documents and certifications related to the Local Housing Assistance Plan; authorizing the Community Improvement Administrator to submit the Local Housing Assistance Plan for review and approval to Florida Housing Finance Corporation; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 47-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation for the Year 2007 Transportation Enhancement Application Cycle; 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. 48-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Department of Homeland Security, Assistance to Firefighters Grant for the purpose of purchasing an exhaust extraction system for the Fire Support Building; 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

h. Resolution No. 49-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for consulting services, and authorizing Work Order No. 1, with Glattig Jackson Kercher and Anglin, Inc., for the purpose of providing planning and consulting services related to the Northwest Multimodal Subdistrict; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 50-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Harvard Jolly, Inc. for the purpose of providing professional construction administration services for the Western Library; repealing Resolution No. 11-2007; providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Minutes – April 24, 2007

- 1) Community Appearance Board
March 13, 2007
- 2) Education Advisory Board
February 26, 2007
- 3) Elder Affairs Advisory Board
March 7, 2007
- 4) General Employees' Pension Board
February 8, 2007 (Administrative Committee Meeting)
February 8, 2007 (Regular Meeting)
- 5) Marine Advisory Board
March 7, 2007
- 6) Police & Firefighters' Pension Board
February 22, 2007 (Regular Meeting)
March 5, 2007 (Disability Review Committee)
- 7) Telecommunications Advisory Board
March 5, 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:

4. Resolution No. 44-2007

A resolution of the City of Boca Raton granting conditional use approval for Countess de Hoernle Park on a parcel of land located at 1000 Spanish River Boulevard, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-07-05)

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

Development Services Planner Daryl Johnson gave the PowerPoint presentation, advising that approval was being sought for development of a new 227-acre City park, known as Countess de Hoernle Park; development would include athletic fields and maintenance facilities. Location, zoning, and land use designation was outlined, as was vehicular access. He noted that, currently, Mizner Bark Dog Park and the fire support facility have been built on the site. This request would provide for the development of eight lighted ball fields for baseball, softball, and soccer. Support amenities include restrooms, vending areas, playgrounds, batting cages and covered spectator seating. The police/fire training facility is also scheduled for future development. A 12-foot wide pedestrian/bicycle trail is proposed to access the fields, the maintenance facilities, and the Tri-Rail station. In addition, the proposed maintenance area facilities include a Utility Services above-ground reclaimed water storage tank, a Municipal Services storage area, and a Recreation Services maintenance facility. A 15-acre lake is also proposed, which would be used as an onsite retention area and primary water feature for the park; this lake would eventually connect with the lake on the north side of Spanish River Boulevard.

Staff reviewed the proposed parking analysis and found it to be within City Code requirements. Mr. Johnson explained that site plan approval would be required for development of the proposed uses, which must stand on their own merit. In conclusion, the Parks and Recreation Board reviewed this request and unanimously recommended approval of same, as did staff.

George Karibjanian, Steven Slootsky, Brian Clinton, and Andy Meyer commented on the shortage of athletic fields for various sports and spoke in support of developing same at the new Countess de Hoernle Park.

Recreation Services Director Mickey Gomez responded to questions from Council related to the shortage of ball fields, advising that staff continues to work with various groups and agencies in an attempt to secure the use of more playing fields. During discussion, it was noted that the City has partnered with FAU and is currently using four ball fields on that campus. Mr. Gomez confirmed with Council that the proposed ball fields are definitely needed and that staff would continue to communicate with various entities, including area schools and universities, to secure the use of more playing fields to meet the demand.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt Resolution No. 44-2007. Motion carried 4-0; Mayor Abrams, Council Members Arts, Baronoff and Hager voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

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)

6. Ordinance No. 4977

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an ingress/egress easement located 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)

Planning and Zoning Director Carmen Annunziato advised that a request had been received from the petitioner for a continuance. He suggested opening the contemporaneous public hearing on the above ordinances and continuing same to the next regularly scheduled Council meeting of May 8, 2007.

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

Motion was made by Council Member Baronoff, seconded by Council Member Hager to continue the public hearing to the meeting of May 8, 2007. Motion carried 4-0; Mayor Abrams, 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:

7. Ordinance No. 4978

An ordinance of the City of Boca Raton creating Section 2-136 and amending Sections 2-176, 2-177, 2-178 and 28-1556, Code of Ordinances; amending the powers and duties of the Community Appearance Board and the Environmental Advisory Board; providing for review and approval of dune management plans by the Environmental Advisory Board for properties seaward of the Coastal Construction Control Line that involve no structures or infrastructure; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Baronoff.

8. Ordinance No. 4980

An ordinance of the City of Boca Raton amending Chapter 23, Article VII of the Code of Ordinances relating to Parks and Recreation Impact Fees; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Arts.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

J. Robert Gordon, who recently lost his eligibility to serve on the Elder Affairs Advisory Board because he moved outside of the City limits, advocated that the residency requirement for the Board be eliminated.

Kevin Sgroi commented on high property assessments, which are calculated by the County, indicating that the land valuation was not fair. He then opined that many setback variances were being approved by the City in the older "Golden Triangle" neighborhood, resulting in a new wave of expensive housing being constructed, thereby forcing out people on lower or fixed incomes. Development Services Director Jorge Camejo responded by advising that he was not aware of a large number of variances being granted in that neighborhood. He explained that many newer homes are taking maximum advantage of the allowable setbacks that have been in place for many years.

Brenda Coto spoke on the topic of "sustainable buildings" (also referred to as green buildings) and provided an update as to green buildings being constructed on the FAU (Florida Atlantic University) campus.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

- | | | |
|----|---|-----------|
| 1) | Custom Built Aerial Ladder
Truck-Replacement
Requested by Fire-Rescue Services
Sutphen Corporation | \$669,363 |
|----|---|-----------|

Council Member Arts acknowledged the memo provided but still voiced concern that this was a sole source item as opposed to being competitively bid. He also voiced concern that approximately \$500,000 of the cost would be coming from next year's budget, contingent upon budget approval.

Mr. Ahnell explained that, in this case, the City was required to put down a deposit; the balance would be due once the vehicle is built. The deposit was figured into this year's budget; the balance would be drawn from next year's budget.

Fire Chief Tom Wood advised that a deposit is tendered due to the amount of time it takes to build this fire apparatus, which is approximately 14 months. He explained that the entire amount could be encumbered now; however, this year's budget was calculated to include only the deposit, not the full amount. Responding to Council's prior query, he added that if the City did not follow through with the funding, the deposit would probably be forfeited. He also noted that this is consistent with the way staff has conducted business for the last 30 years.

Mr. Ahnell and Chief Wood provided additional information regarding the age of the current vehicle (15 years), hardness of the metal ladders as they age, and a prior purchase by a different department related to pumps.

Responding to Council, Mr. Ahnell explained the concept behind "sole source." Using the membrane water plant as an example, he explained that it was designed and built using certain components. Based on the uniqueness of those parts and equipment, staff acknowledged that, on a go-forward basis, these items would have to be purchased from specific manufacturers, as necessary, due to the original decision to build the plant using particular specifications. Mr. Ahnell added that 99% of items are bid out; however, unique circumstances do exist wherein sole source is necessary.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve Consent Agenda Item 3.c.1. Motion carried 4-0; Mayor Abrams, Council Members Arts, Baronoff, and Hager voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Property Taxes

Mr. Ahnell explained that both the House and the Senate have each put forward property tax reform proposals. The House and the Senate have also formed two separate committees to negotiate these proposals in order to reach a compromise. He noted that the House proposal would roll back tax rates to the 2001 level; the Senate bill would roll back rates to the 2006 level. As these two original proposals stand now, the City could lose anywhere from \$6 million to \$22 million in revenue. While this would not translate into major savings for our residents, it would likely require cuts in City services and programs.

Mr. Ahnell clarified that the property tax reform legislation is targeting only cities and counties, which comprises approximately 40% of residents' total property tax bill; the remaining 60% will be untouched. In addition, the City would still be subject to unfunded mandates. It was noted that the State has exempted itself from spending restrictions. He added that, unfortunately, any savings taxpayers might obtain from the property tax legislation would probably be set off by tax increases from other government agencies listed on their property tax bills. The City Manager advised that he would continue to keep Council apprised of this issue.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Neither the Mayor nor Council had anything to report at this time.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adjourn the meeting. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Arts, Baronoff and Hager voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:12 p.m. on Tuesday, April 24, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk