

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MAY 8, 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 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 Carannante

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution Nos. 61-2007 and 62-2007 to the Consent Agenda as Item Nos. 3.j. and 3.k. 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 April 23, 2007  
Minutes of the Regular Meeting of April 24, 2007

*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:**

Proclamation – Supporting the Achievements of Florida Atlantic University Athletics  
Mayor Abrams advised that this proclamation was given at yesterday's workshop meeting.

Recognition of Teachers of the Year for 2007 – Education Advisory Board

Mayor Abrams and Tom Vinci, Chairman of the Education Advisory Board, joined in awarding plaques to 11 recipients of the "Teacher of the Year" award, as identified by each principal of those public schools located inside the City of Boca Raton. Congratulations were tendered and recognition was also extended to the Rotary Club of Boca Raton, the organization that originated and has perpetuated this program for the last 15 years.

Proclamation – Commuter Challenge Day – May 17, 2007

The proclamation was accepted by Sabrina Kirkpatrick, a Transportation Management Initiative Administrator, who is working with the City of Boca Raton on Transportation Demand Management.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Airport Authority – two vacancies (vacancy for a resident living East of I-95 and vacancy for a resident living West of I-95)

Benjamin McCaul and Fenil Patel interviewed for the vacancy for a resident living East of I-95.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to reappoint Bruce Benefield to the Airport Authority in the position of resident living East of I-95. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

Mr. Benefield was reappointed to the Authority (resident living East of I-95).

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Kristen Hughes to the Airport Authority in the position of resident living West of I-95. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

Ms. Hughes was reappointed to the Airport Authority (resident living West of I-95).

- b. Citizens' Pedestrian and Bikeway Advisory Board – one vacancy

There were no applicants.

- c. Elder Affairs Advisory Board – two vacancies

There were no applicants.

- d. Pearl City Blue Ribbon Committee – one vacancy (must be a resident of Dixie Manor, Pearl City, or Lincoln Court)

There were no applicants.

2. Responses to Workshop Information Requests:

The City Manager advised that all questions had been answered at yesterday's workshop meeting.

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.

Council Member Arts asked the City Manager to explain the piping agreement mentioned in Consent Agenda Item No. 3.k., Resolution No. 62-2007, which was added to the agenda. Mr. Ahnell provided background information on this item, regarding construction of a turn lane into the Broken Sound development, and advised that Lake Worth Drainage District (LWDD) wanted the City to indemnify the operation and maintenance of a section of the canal that was piped when the entrance road to Broken Sound was constructed years ago. Mr. Ahnell noted that the City does not own that property.

Consequently, a three-party agreement was created between the City, LWDD, and Broken Sound; details were provided.

Mr. Ahnell then spoke to Resolution No. 61-2007, which was also added to the agenda, explaining that this work order would allow the engineers to begin design work for the eight ball fields to be constructed at Countess de Hoernle Park. He added that the ball fields would be built on City property and paid for by the Greater Boca Raton Beach and Park District.

*Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to approve the Consent Agenda as amended. Motion carried 5-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

a. Intergovernmental Agreement

- |    |   |             |
|----|---|-------------|
| 1) | Bleachers at Sugar Sand<br>Park & Florida Atlantic University<br>(Replacement)<br>Requested by Recreation Services<br>Seating Constructors USA, Inc.  | \$61,958    |
| 2) | Automobiles and Light Trucks<br>Requested by Municipal Services<br>Carl Gregory Dodge, Caruso Chrysler<br>and Dodge, Classic Chevrolet, Garber<br>Chevrolet, Orville Beckford Ford, Tropical<br>Ford, and Lenco | \$1,240,200 |

b. Sole Source

- |    |   |          |
|----|---|----------|
| 1) | Progressive Cavity Pumps<br>(Replacement)<br>Requested by Utility Services<br>Carl Eric Johnson, Inc. | \$68,520 |
|----|---|----------|

c. Resolution No. 52-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Mock, Roos & Associates, Inc. for the purpose of providing professional services for surface water management; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 53-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute a lease agreement with the Florida Department of Transportation for the purpose of constructing a bike path and associated amenities along the El Rio Canal under the I-95 corridor; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 55-2007

A resolution of the City of Boca Raton approving and accepting an easement deed from Beacon Square Professional Campus, LLC, over certain lands located at 7785 and 7845 N.W. Beacon Square Boulevard; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 56-2007

A resolution of the City of Boca Raton approving and accepting an easement deed for access between State Road A-1-A and the Boca Raton Inlet from Panthers BRHC LLC and BRE Point Parcel LLC, over certain lands located at 900 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 58-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Work Order No. 1 with Mock, Roos & Associates, Inc. (D/B/A Mock•Roos) for the purpose of providing professional services for surface water management; providing for severability; providing for repealer; providing an effective date

h. Board Resignations

a. Resignation of Milt Rudolph from the Boca Raton Housing Authority

i. Receive and File Board Minutes – May 8, 2007

- 1) Community Appearance Board  
March 20, 2007  
March 27, 2007 (Special Mtg – Downtown Charrette Process)  
March 27, 2007  
April 3, 2007
- 2) General Employees' Pension Board  
March 8, 2007 (Investment Committee)  
March 8, 2007 (Regular Meeting)  
March 28, 2007 (Joint Administrative Committee-Police & Firefighters/Gen Emp)
- 3) Parks and Recreation Board  
March 6, 2007
- 4) Physically and Mentally Challenged Board  
March 1, 2007
- 5) Planning and Zoning  
February 22, 2007

3.j. Resolution No. 61-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Greenhorne & O'Mara Inc. for the purpose of consulting services for Countess de Hoernle Park; providing for severability; providing for repealer; providing an effective date

3.k. Resolution No. 62-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute a piping license agreement with the Lake Worth Drainage District, the Country Club Maintenance Association, Inc., and the Broken Sound Club, Inc. and an agreement with the Country Club Maintenance Association, Inc., and the Broken Sound Club, Inc. related to the entrance into Broken Sound from Yamato Road; 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:**

4. Resolution No. 51-2007

A resolution of the City of Boca Raton modifying the conditional use approval for the Ascension Catholic Church on a parcel of land located at 7250 North Federal Highway; providing for severability; providing for repealer; providing an effective date (CA-06-10)

Mayor Abrams advised that quasi-judicial procedure would govern the hearing; the City Clerk administered the oath to those who indicated they wished to speak.

Development Services Senior Planner Susan Lesser gave the PowerPoint presentation, advising that this was a request for modification of the conditional use approval, in addition to site plan approval, to enclose an existing covered walkway attached to the Parish Hall, for the purpose of adding three meeting rooms and office space, totaling 1,055 square feet, for the Ascension Catholic Church. Location, acreage, zoning, and land use designations were provided, as was background information related to the existing site. Ms. Lesser noted that the applicant would be making improvements to the site to bring it into compliance with City Code; these improvements included additional landscaping, a bus shelter, and new accessible routes. She also indicated that additional parking was not required with this site plan approval. A traffic study was then reviewed, which revealed that a slight increase in daily trips was expected.

Ms. Lesser concluded her presentation by advising that the Planning and Zoning Board reviewed the application and unanimously recommended approval of same as did staff, with the conditions listed in 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 approve Resolution No. 51-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

5. Ordinance No. 4976 (Continued from the 4/24/07 Council meeting.)

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 (Continued from the 4/24/07 Council meeting.) (Revised 5/8/07)

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)

Mayor Abrams indicated that the above ordinances would be considered together, as they are related.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation on the above ordinances, advising that the subject easements are located at The Boca Raton Resort & Club on the Beach Club side. In October 2006, the Council approved several resolutions providing for redevelopment

of the Beach Club site; Mr. Annunziato advised that these utility and access easements were in conflict with those approved development plans. Staff reviewed the petitions, and the appropriate utilities and City staff members were notified; there were no objections to the proposed abandonments. In conclusion, staff recommended approval of the ordinances with the conditions listed therein, which generally provide for replacement easements. Mr. Annunziato then answered questions related to the sound wall for Presidential Place, a neighboring development.

Robert Eisen, representing the Beach Club, spoke briefly, providing details as to the proposed development schedule. He then responded to questions from Council as to the sound wall.

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

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to approve Ordinance No. 4976. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve Ordinance No. 4977, as revised 5/8/07. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

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

Development Services Senior Planner Cheryl Campbell gave the PowerPoint presentation, advising that this ordinance would implement a recommendation of the A1A Landscape Task Force, which was established by Council in March 2005 to review and report on current City regulations governing maintenance of coastal vegetation in relation to endangered sea turtles, beach erosion, storm surge protection, and ocean views. Stating that the Task Force found the permitting process to be problematic, Ms. Campbell explained that this ordinance would streamline the permitting process required for dune management and protection of sea turtles by transferring the CCCL (Coastal Construction Control Line) variance authority from Council to the Environmental Advisory Board (EAB); appeals of EAB decisions would be heard by City Council.

Both the Planning and Zoning Board and the Environmental Advisory Board reviewed the proposed ordinance, and both Boards unanimously recommended approval of same, as did staff. Responding to Council, Ms. Campbell and Mr. Ahnell clarified the role of the Community Appearance Board in these petitions.

Linda Campbell, a former member of the dissolved A1A Landscape Task Force, spoke in support of the ordinance and then answered questions from Council related to other Task Force recommendations; attention was focused on sea turtles.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4978. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

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

a. Resolution No. 54-2007

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; providing for repealer; providing an effective date

The City Manager explained that, per Council's direction, the threshold for the Parks and Recreation Services Impact Fees would be amended to begin at 700 square feet, up from 600 square feet. Consequently, any structure less than 700 square feet would not require an impact fee.

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

*Motion was made by Council Member Hager, seconded by Council Member Arts, to adopt Ordinance No. 4980. 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 Baronoff, to approve Resolution No. 54-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

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

9. Resolution No. 57-2007

A resolution of the City of Boca Raton authorizing the settlement of a claim, Dawn and Glen Richards (AL04-0016-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 Council Member Hager, seconded by Council Member Arts, to approve Resolution No. 57-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.*

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

10. 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 ordinance was introduced by Deputy Mayor Whelchel.

11. Ordinance No. 4982

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

The ordinance was introduced by Council Member Hager.

12. 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)

The ordinance was introduced by Council Member Arts.

13. 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 ordinance was introduced by Council Member Baronoff.

14. 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

The ordinance was introduced by Deputy Mayor Whelchel.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Linda Campbell provided commentary related to coastal conservation, dune management, preservation of sea turtles, and beach renourishment. She then asked Council to authorize restoration of Spanish River Park and the City-owned land to the north of same. She also advocated partnership funding between the City and beachfront owners for beach restoration.

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There were no items for consideration.

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

Property Tax Update

Mr. Ahnell advised that the Florida Legislature has scheduled a special session from June 12 –22, 2007, to discuss property tax reform. He added that the City is currently in the midst of its annual budget process and it would be very difficult to formulate any financial plans until the Legislature provides some direction. Mr. Ahnell explained that, in terms of the City's budget, the Senate plan would require minimum budget cuts of approximately \$5 million annually; the House plan would require cuts of approximately \$22 million annually. The general consensus is that the actual number will fall somewhere in the middle and the City would need to reduce expenditures by \$12 million to \$14 million annually, beginning with the next

fiscal year. Staff would continue to monitor the situation. Mr. Ahnell answered questions from Council, stating that this would equate to an approximate 20% reduction in ad valorem taxes; he noted that negotiations between the Senate and the House are ongoing.

**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:**

The regular meeting of the City Council of the City of Boca Raton adjourned without objection at approximately 7:00 p.m. on Tuesday, May 8, 2007.

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Steven L. Abrams, Mayor

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk