

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, FEBRUARY 13, 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 Council Member Arts, seconded by Council Member Hager, to amend the agenda to add Resolution Nos. 13-2007 and 16-2007 to the Consent Agenda as Item Nos. 3.k. and 3.l., respectively. 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 January 22, 2007  
Minutes of the Regular Meeting of January 23, 2007

*Motion was made by Council Member Hager, seconded by Council Member Baronoff, 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:**

2-1-1 Awareness Week - February 11 through 18, 2007

Mayor Abrams presented the proclamation to Patricia Schroeder, who is affiliated with 2-1-1, on behalf of the City of Boca Raton.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

There were no positions to consider.

2. Responses to Workshop Information Requests:

Mr. Ahnell advised that responses were either provided at yesterday's workshop meeting or would be forthcoming in memo form.

3. Consent Agenda:

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

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

a. Competitive Sealed Proposal

- |    |  |           |
|----|--|-----------|
| 1) | Janitorial/Custodial Maintenance Service<br>Requested by City Wide<br>Sunshine Cleaning Systems, Inc | \$358,690 |
|----|--|-----------|

b. Intergovernmental Agreement

- |    |   |           |
|----|---|-----------|
| 1) | Accessory Items for Backflow Devices<br>Requested by Utility Services<br>Ferguson Enterprises, Inc.   | \$62,254  |
| 2) | Chemicals & Fertilizers<br>Requested by Utility Services<br>Recreation Services<br>Agro Distribution d/b/a Pro Source One,<br>Carso, Inc., DWS Distributors, Diamond R<br>Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer,<br>Helena Chemical Co., Lesco, Inc., Pennington<br>Seed, Inc., Regal Chemical Company,<br>Southeastern Turf Grass Supply Inc., UAP<br>Distribution, Inc., Univar USA, | \$297,874 |

c. Resolution No. 5-2007

A resolution of the City of Boca Raton ratifying the application for a grant from the United States Tennis Association for the purpose of an ongoing junior wheelchair tennis program; authorizing the City Manager to accept 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. 7-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Program for the purchase of Automated External Defibrillators; 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. 8-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute the First Amendment to an Agreement with the State of Florida, Department of Environmental Protection for the purpose of extending the current contract; providing funding for the El Rio Shared Use Trail, providing for severability; providing for repealer; providing an effective date

f. Resolution No. 9-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for the purchase of equipment, printing services and supplies to continue the coordination and development of the City of Boca Raton Citizen Corps 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

g. Resolution No. 10-2007

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security for the purchase of equipment, supplies, and printing of materials for the City of Boca Raton Community Emergency Response Team (CERT); 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. 11-2007

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; providing for severability; providing for repealer; and providing an effective date

i. Resolution No. 12-2007

A resolution of the City of Boca Raton authorizing the City Manager to submit four applications to the State of Florida, Department of Community Affairs for the Emergency Management Preparedness and Assistance Trust Fund Grant Program for the purpose of hardening the Utility Services Departmental Operations Center, to purchase five fixed or dedicated generators to power critical pumps, to purchase a fixed or dedicated generator for the Fire Rescue Support Building, and to purchase consulting services for a comprehensive emergency management plan; 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

j. Receive and File Board Minutes – February 13, 2007

- 1) Community Appearance Board  
December 19, 2006  
January 9, 2007  
January 16, 2007
- 2) Community Relations Board  
November 20, 2006
- 3) Education Advisory Board  
December 18, 2006
- 4) Elder Affairs Advisory Board  
December 6, 2006
- 5) General Employees' Pension Board  
November 9, 2006 (Regular Meeting)  
December 6, 2006 (Joint Adm. Comm. With Police & Firefighters' Pension Board)  
December 14, 2006 (Investment Committee)  
December 14, 2006 (Regular Meeting)
- 6) Historic Preservation Board  
December 19, 2006
- 7) Marine Advisory Board  
December 6, 2006
- 8) Physically and Mentally Challenged Board  
December 7, 2006
- 9) Planning and Zoning Board  
November 16, 2006  
December 7, 2006
- 10) Police and Firefighters' Pension Board  
November 8, 2006 (Investment Committee)  
November 16, 2006 (Regular Meeting)  
December 21, 2006 (Administrative Committee)  
December 21, 2006 (Regular Meeting)

11) Zoning Board  
December 14, 2006

k. Resolution No. 13-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute an Agreement with Kaufman Lynn, Inc. for Construction Management Services for the construction of the Western Library; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 16-2007

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, Community, and System Preservation 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

**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. 4970

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

Office of Management and Budget Director Linda Davidson gave the presentation. She explained that the First Quarterly Budget Amendment would amend the 2006 budget by recognizing a) additional revenues and expenditures in the General Fund and the Capital Improvements Fund, b) funding from reserves in the ROW Acquisition Fund, and c) a reduction in funding from reserves in the Water & Sewer Operating Fund; details were provided. The grand total of additional revenues and expenditures of the First Quarterly Budget Amendment Ordinance is \$1,563,100. Ms. Davidson concluded her presentation and then answered questions from Council.

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. 4970 as amended. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

5. Ordinance No. 4971

An ordinance of the City of Boca Raton allowing the assignment of required residential parking spaces; providing for severability; providing for repealer; providing for codification; providing an effective date

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that, if approved, this ordinance would remove the restriction that prohibits the assignment of more than one parking space to a residential unit. He referred to the Mayfair condominium litigation, advising that it was discovered that a property owner had an ownership interest in two parking spaces, which was in conflict with the City Code. Mr. Annunziato stated that in many condominiums, people have purchased one or more parking spaces; the restrictions are more for the convenience of the unit owners than the general public. This ordinance would remove the restriction and allow condo owners, or condo owners who rent, to assign the parking to the units or individuals, adding that it becomes their responsibility to ensure adequate parking for residents and service personnel. Staff would continue to enforce the requirement of two parking spaces for a two-bedroom unit.

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 Ordinance No. 4971. 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:**

6. Ordinance No. 4962

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.607 acres, more or less, located at 8300 Congress Avenue as more specifically described herein, from Manufacturing Industrial (IM) to Commercial (C); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/SC)

Council Member Hager introduced the ordinance.

7. Ordinance No. 4963

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 1.607 acres, more or less, located at 8300 Congress Avenue, as described more particularly herein, from Manufacturing and Industrial to Motel-Business; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-02/ZC)

Council Member Arts introduced the ordinance.

8. Ordinance No. 4972

An ordinance of the City of Boca Raton related to commercial solid waste collection services amending Chapter 14, Code of Ordinances; providing for definitions, non-exclusive franchises for commercial solid waste collection services, regulations and requirements for commercial solid waste collection services franchises, rates and fees for said franchises; amending Sections 2-92 and 2-113, Code of Ordinances, to provide that violations of said provisions shall be within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy Mayor Whelchel introduced the ordinance.

9. Ordinance No. 4973

An ordinance of the City of Boca Raton repealing Section 19-101, Code of Ordinances, Alternative Permitting Process; 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:**

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:**

10. 2006 Board & Commission Member Attendance Report

The City Manager advised that Council adopted an ordinance in 2001 related to Board member attendance; this ordinance expressly outlines inadequate attendance. Specifically, if a member misses 30% or more of scheduled meetings in a calendar year or three or more consecutive meetings, attendance is considered inadequate. Mr. Ahnell then noted that 26 Board members did not meet the attendance requirements for 2006.

Responding to Council, the City Attorney explained that telephonic attendance is permitted; however, it does not count toward quorum, advising that this is a State requirement. In addition, telephonic attendance has raised concerns related to compliance with the Sunshine Law. Ms. Frieser advised that these issues were addressed and staff did create a policy regarding same.

Attention then focused on the policy for removal of Board members. Ms. Frieser stated that the City Clerk presented the documents at hand to Council, as required, that Council might provide direction; discussion followed. Responding to Council, Mr. Ahnell advised that a report related to Board consolidation would be forthcoming to Council in approximately 30 to 60 days. Acting upon the City Manager's suggestion, Council determined that, once the Board consolidation report is finalized, letters would be sent again to those Board members with inadequate attendance, asking for an explanation of same. Their responses and the Board consolidation report would be brought back to Council at the same time.

**CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Baronoff advised that Florida Atlantic University (FAU) is considering erecting a temporary stadium; FAU representatives would be providing the City with an update. Mr. Baronoff then suggested that the Mayor present a proclamation to FAU commemorating their recent victory over Florida International University (FIU); there were no objections.

Mayor Abrams requested Council's consensus regarding a letter the City was asked to draft for South Florida Regional Transportation Authority (SFRTA) in support of their plans for expansion and dedicated funding of same. It was noted that there was no specific proposal related to funding. Following discussion, Council agreed that a funding source/plan should be determined before the letter is signed.

**ADJOURNMENT:**

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, 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 6:44 p.m. on Tuesday, February 13, 2007.

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Steven L. Abrams, Mayor

ATTEST:

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