

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MARCH 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 Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution Nos. 29-2007 and 31-2007 to the Consent Agenda. 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 26, 2007
Minutes of the Regular Meeting of February 27, 2007

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, 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:

Boca Symphonia – A representative of the Boca Symphonia presented Mayor Abrams with a plaque in recognition of the City's continued support over the years.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian & Bikeway Advisory Board – two vacancies

There were no applicants.

- b. Elder Affairs Advisory Board – one vacancy

There were no applicants.

- c. Marine Advisory Board – three vacancies (recreational boater, environmentalist, and professional engineer with experience in marine and coastal matters)

Seeing no one come forward to interview, the floor was opened for nominations for the position of recreational boater. Deputy Mayor Whelchel nominated John Johnson; Council Member Hager nominated Garry O'Donnell. The nominations were then closed without objection.

In the voting, Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts and Baronoff voted for Mr. Johnson; Council Member Hager voted for Mr. O'Donnell.

Mr. Johnson was reappointed to the Marine Advisory Board in the position of recreational boater.

The floor was then opened for a motion to fill the position of environmentalist.

Motion was made by Council Member Hager, seconded by Council Member Arts, to reappoint Donald Stone to the Marine Advisory Board in the position of environmentalist. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Stone was reappointed to the Board in the position of environmentalist.

It was noted that there were no applicants for the position of professional marine engineer.

- d. Pearl City Blue Ribbon Committee – two vacancies (at-large vacancy and vacancy for resident of Dixie Manor, Pearl City or Lincoln Court)

Steve Wallace expressed interest in serving as a member of the Committee.

Motion was made by Council Member Hager, seconded by Council Member Arts, to appoint Steve Wallace to the Pearl City Blue Ribbon Committee in the position of at-large member. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Wallace was appointed to the Pearl City Blue Ribbon Committee as an at-large member.

It was noted there were no applicants for the position of “resident of Dixie Manor, Pearl City or Lincoln Court.”

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 Hager, 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) | Printing and distribution of the Recreator
Requested by Recreation Services
D & N Printing Company LLC d/b/a
Triple Crown Printing. | \$51,794 |
|----|--|----------|

b. Intergovernmental Agreement

- | | | |
|----|---|-----------|
| 1) | Trailer Mounted Generators (New)
Requested by Utility Services
Standby Systems Inc. | \$353,172 |
| 2) | Garbage Trucks (Replacement)
Requested by Municipal Services
Nextran Truck Center | \$934,099 |

c. Resolution No. 22-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to request the Florida Department of Transportation ("FDOT") to lease temporarily surplus property to the City of Boca Raton ("City") to be utilized for the purpose of constructing a bike path and associated amenities on such property being identified in the legal description and sketch attached to this resolution labeled as Exhibit "A"; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 23-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an interlocal agreement with the Florida Atlantic University Board of Trustees for the purpose of providing medical simulation training; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 24-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the renewal of the Law Enforcement Against Child Harm (LEACH) Memorandum of Understanding with the Broward County Sheriff's Office for the purpose of combating the criminal exploitation of children that is committed and/or facilitated by or through the use of computers; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 27-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for sale and purchase with Valley Executive Associates, L.L.C., for the acquisition of real property in connection with the realignment of Dixie Highway at Hidden Valley Blvd; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 28-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revision to the termination date of the previously approved Mutual Aid Agreement with the Miami-Dade Police Department for the purpose of providing shared law enforcement assistance; providing for severability; providing for repealer; providing an effective date

h. Receive and File – Employee Election Certification

- 1) Certification of the re-election of Barbara Smith and the election of Gail Medina to the General Employees' Pension Board for terms expiring March 29, 2010.
- 2) Certification of the re-election of James Muro (firefighter) to the Police and Firefighters' Retirement System for a term expiring March 29, 2009.
- 3) Certification of the re-election of Leigh Sommer (police officer) to the Police and Firefighters' Retirement System for a term expiring March 29, 2009.

i. Receive and File Board Minutes – March 13, 2007

- 1) Citizen's Pedestrian and Bikeway Advisory Board
December 11, 2006
- 2) Community Appearance Board
February 13, 2007
February 20, 2007
- 3) Elder Affairs Advisory Board
January 3, 2007
- 4) General Employees' Pension Board
January 11, 2007
- 5) Historic Preservation Board
January 5, 2007 (Workshop)
January 16, 2007
- 6) Marine Advisory Board
January 3, 2007
- 7) Pearl City Blue Ribbon Committee
January 25, 2007
- 8) Police and Firefighters' Pension Board
January 25, 2007

j. Resolution No. 29-2007

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 number one, with Urban Design Associates, P.C., for the purpose of providing a Downtown Urban Design and Planning Study; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 31-2007

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, for the purchase of computer hardware relating to the Emergency Medical Services Tracking and Reporting System (EMSTARS); 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

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:

There were no items for consideration.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

4. Ordinance No. 4974

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Lake Maintenance Easement and a Lake Access Easement, located at 1601 Clint Moore Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-07-03)

The ordinance was introduced by Council Member Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Clem Storch and James McDavin, representing Royal Oak Hills, read a letter into the record, commending City staff for efforts expended in refurbishing the southern entrance to their subdivision, particularly in light of the devastation wrought by Hurricane Frances.

J. Robert Gordon distributed material to Council and spoke to the issue of handicapped parking and signage, basically opining that the City did not do enough to enforce the law. Commenting on the press conference that Mr. Gordon recently held regarding the alleged deficiencies, Mayor Abrams noted that this meeting was the first time Mr. Gordon had directly approached City staff or the City Council even though he is member of two City advisory boards, one of whose purpose is to make recommendations regarding the very issues that were the subject of the press conference. It was suggested that if the desired outcome is to resolve deficiencies, the most effective course of action would have been to first give the City the opportunity to address same. As is standard practice, the City Manager was directed to follow up and report back to Council with his findings.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

5. Resolution No. 21-2007

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96 (b)(1), Code of Ordinances, to reface an existing four (4) tenant sign and allow for the placement of an eight (8) tenant freestanding sign identifying the occupancy located at 1515 S. Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-06-03)

Mayor Abrams advised that this was a quasi-judicial matter.

Development Services Planner Daryl Johnson gave a PowerPoint presentation. The location of the South City Plaza freestanding sign was provided. He noted that the existing sign meets the Code requirements for a commercial center sign. The petitioner was requesting to list 8 tenant names on the northern elevation of the sign. The Community Appearance Board reviewed this request, recommending approval of the variance and, based on the justification provided by the petitioner, staff also recommended approval.

Council confirmed with the petitioner that he was in agreement with the facts as presented by staff. Seeing no one come forward to speak, the public hearing was closed.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to grant the variance. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Hidden Valley Executive Golf Course

Mr. Ahnell referred to a letter received from the owners of the above golf course, inquiring as to whether the City had interest in acquiring the subject property. Barring any objections from Council, the City Manager planned to respond, explaining that the City had no intention of acquiring the property at this time; Council had no objections. Mayor Abrams added that, should the City's position change in the future, it would probably be the City's intention to develop the property into an active park, which could include ballfields.

Enterprise Development Corporation of South Florida – Grant

A request for a \$5,000 grant had been received from the above entity to assist in sponsoring the 6th annual bioscience conference at FAU (Florida Atlantic University) this year; Mr. Ahnell advocated support of same and received subsequent authorization to release the funds.

Business Development Board – Sponsorship

The City Manager referred to a national bioscience conference being held in Boston, advising that in order to be listed as a sponsor, a \$1,000 donation was required; Mr. Ahnell advocated support of same and received subsequent authorization to release the funds.

Branding

Mr. Ahnell referred to a memo being distributed by the City Clerk and provided an overview of the Branding Forum held January 24, 2007, noting that the majority of comments were in favor of initiating a branding effort. He then outlined the steps involved in moving forward with development of a City brand, should Council wish to do so, advising that the estimated cost would be approximately \$75,000; this figure did not include costs of implementation or marketing of the brand. Mr. Ahnell concluded his comments, stating that this memo was being provided to Council for informational purposes; he was receptive to any input that Council might have. Council's consensus was to consider the branding issue at the upcoming goal setting sessions, in conjunction with other issues and priorities.

Property Tax Update

Extensive hearings of the House Budget and Finance Committee took place in Tallahassee last Thursday; consultants and elected officials made reports and gave presentations. A final meeting of the House Committee is scheduled Friday, with a vote expected on a motion; it is unclear what the motion will comprise. Mr. Ahnell stated that there are still hundreds of proposals coming forth at this time.

The Florida League of Cities has been asked for a proposal. However, the requirements for creating that proposal are unknown; consequently, the League is trying to meet privately with legislators to determine the parameters in order to formulate some solutions and options. Unfortunately, the legislators are also having difficulty in devising conditions; essentially, they are simply accepting information. The City Manager stated that it would likely be several weeks before any firm proposals come forward. At that time, the City could provide a more detailed update.

Responding to Council, Mr. Ahnell stated that clarity related to the property tax issue would likely be forthcoming in May. He advised that many statewide polls are being conducted and it appears that the sales tax option is receiving favorable attention; however, that may not be the proposal that's initiated. Mr. Ahnell opined that something would probably be effected by the Legislature in time for next year's budget; there could also be constitutional amendments related to the Save Our Homes initiative and/or property tax portability. Additional information was provided related to the highly-charged issue of a possible increase in property values in South Florida this year, due to 1) the "lag effect" - it takes one year for the appraisal process to catch up with the market - and 2) the 3% homestead cap, which doesn't take effect until one year after the property is homesteaded; details were provided.

Spanish River Library

Kaufman Lynn is expected to begin work on Monday, March 19, 2007. The projected opening date for the library is December 2008.

CITY ATTORNEY REPORTS:

Ms. Frieser asked for authorization from Council to schedule an executive session related to what is known as the "sober house" litigation.

Motion was made by Council Member Hager, seconded by Council Member Arts, to authorize the City Attorney to schedule an executive session related to the sober house litigation. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Frieser advised that the proposed date for the executive session is March 19, 2007.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Baronoff responded to comments made during the "Public Request" portion of the agenda, advising that the transfat issue was considered by Council at the request of the Advisory Board for the Physically and Mentally Challenged and the Elder Affairs Advisory Board.

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 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 6:50 p.m. on Tuesday, March 13, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk