

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 25, 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:

Deputy Mayor Whelchel 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 No. 110-2007 to the Consent Agenda as Item 3.m. and to consider Item No. 6 (Ordinance No. 5002) immediately following the proclamations and before "Regular Business-Part I." 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 September 10, 2007
Minutes of the Regular Meeting of September 11, 2007
Minutes of the Tentative Budget Meeting of September 10, 2007
Minutes of the Final Budget Meeting of September 17, 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:

Recognition of CCR (Consumer Confidence Report) Contest Winners

Mayor Abrams and Utility Services Director Chris Helfrich presented Michelle Wepner, one of three contest winners, with a \$100 Visa gift card.

Haven Heroes – Presentation of Pins

Council Members Baronoff and Hager were thanked for their support and presented with pins by Jim Gavrilos and Don Stewart, representing the Haven, which provides services to foster children.

6. Ordinance No. 5002

An ordinance of the City of Boca Raton renaming the Boca Raton Advisory Board for the Physically and Mentally Challenged as the Boca Raton Advisory Board for People with Disabilities; providing for severability; providing for repealer; providing for codification; providing an effective date

Ruby Childers, Manager of Administrative Services for Development Services, gave the presentation, explaining that the Board voted unanimously to ask Council for the name change, which they believe would more accurately reflect the community they represent. Staff agreed that the name change was appropriate; passage of the above ordinance would effectuate the requested change.

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 Ordinance No. 5002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no applicants to consider.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.c.2. – Excess Insurance) A memorandum was provided. The City Manager clarified the liability limits. Council Member Hager asked that staff explore higher limits the next time this item comes up for renewal.

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, and minus Item Nos. 3.e.3., 3.e.4., 3.e.5. and 3.g., which were considered under "Part VII-Resolutions and Other Business." Motion carried 5-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

a. Sealed Bids FY 06/07

- | | | |
|----|--|----------|
| 1) | Air Conditioning Replacement at Library
Requested by Municipal Services
Advanced Roofing, Inc. | \$93,000 |
| 2) | American Disabilities Act (ADA)
Upgrades at City Hall, Community
Center and Old Town Hall
Requested by Municipal Services
Spades Contractors Corp. | 235,000 |

3)	Laptops-Replacement Requested by City Manager Prosys Information Systems	247,288
b.	<u>Sealed Bids FY 07/08</u>	
1)	Westinghouse Electrical Parts Requested by Utility Services Erin Electrical Enterprises Inc., Rexel Consolidated, World Electric Supply Inc.	60,000
2)	Sod: Supply, Deliver, Remove, and/or Install Requested by Recreation Services Utility Services Conco Horticulture, Meyer's Turf, Tropic Landscaping and Lawn Maintenance, W.S. Sod, Mullings Engineering Services	147,245
c.	<u>Competitive Sealed Proposals FY 07/08</u>	
1)	Printing and Distribution of Utility Services Billing Requested by City Manager Data Prose, Inc.	96,525
2)	Excess Insurance Requested by Financial Services Arthur J. Gallagher & Co.	202,250
d.	<u>Intergovernmental Agreements FY 07/08</u>	
1)	Office Supplies Requested by City Wide Office Depot	325,000
2)	Corrosion & Odor Control Products Requested by Utility Services Siemens Water Technologies	425,225
e.	<u>Sole Source FY 07/08</u>	
1)	Payroll/Personnel Software Maintenance and Support Requested by City Manager Infor Global Solutions (Michigan) Inc.	51,773
2)	Lift Station Pump Repairs Requested by Utility Services Florida Bearings, Inc.	70,000
f.	<u>Change Order FY 06/07</u>	
1)	Yamato Road at Military Trail Right Turn Lane Requested by Municipal Services Hardrives, Inc.	191,692

h. Resolution No. 105-2007

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Greenhorne & O'Mara, Inc. for the purpose of consulting services for Countess DeHoernle Park; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 106-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the first Amendment to Agreement with the Federal Emergency Management Agency Long Term Recovery Office for the purpose of funding participation in the Public Safety Complex Wind Retrofit Project; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 107-2007

A resolution of the City of Boca Raton accepting a sovereignty submerged lands easement modification, to include all current jetty restorations/survey areas, to be used for the repair of the Boca Raton North Jetty; providing for severability; providing for repealer; providing an effective date

k. Board Resignations

1) Resignation of Robert Murstein from the Education Advisory Board

l. Receive and File Board Minutes – September 25, 2007

- 1) Community Appearance Board
August 21, 2007
- 2) Downtown Boca Raton Advisory Committee
March 28, 2007 (Special Meeting)
April 4, 2007
May 1, 2007 (Workshop)
- 3) Education Advisory Board
June 25, 2007
- 4) Library Advisory Board
July 18, 2007
- 5) Planning and Zoning Board
July 19, 2007
- 6) Telecommunications Advisory Board
May 7, 2007

3.m. Resolution No. 110-2007

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a termination agreement with Boca Raton Educational Television, Inc.; 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. 4998 (Revised 9/25/07) (Second of two required public hearings.)

An ordinance of the City of Boca Raton amending Sections 28-977 and 28-981, Code of Ordinances, relating to the Light Industrial and Research Park zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-07-02)

Planning and Zoning Director Carmen Annunziato gave the presentation, indicating that this was the second of two required public hearings on the above ordinance, which would: 1) amend the list of uses in the LIRP zoning district and 2) provide greater flexibility for requests related to conditional commercial node designations. The amendments to Section 28-977, which would allow for professional office uses in the LIRP subject to certain conditions, were reviewed first; details were provided. Attention then focused on the amendments to Section 28-981, which would allow Council to modify any of the site design criteria with the intent of implementing Multimodal Transportation District (MMTD) initiative design criteria.

This ordinance was reviewed by the Planning and Zoning Board and found it to be consistent with the City's Comprehensive Plan. In conclusion, they recommended approval of same, as did staff.

Wendy Larsen, with Siemon & Larsen and representing Flagler Development Company, advocated support of the ordinance.

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

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to adopt Ordinance No. 4998, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

5. Ordinance No. 5001

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 Agreements with the vendors identified in Exhibit "A", pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Municipal Services Director Bob DiChristopher gave the presentation, explaining that the ordinance would establish two additional non-exclusive haulers for construction and demolition debris, specifically, Talkin' Trash, Inc. and World Waste Services. He advised that these companies meet all the minimum requirements for a franchisee; passage of this ordinance would bring the total number of franchisees in the City that provide construction and demolition services to 11.

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 Ordinance No. 5001. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

7. Resolution No. 102-2007

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

Carol Himes Hannigan, City Treasurer, gave the PowerPoint presentation and outlined the revisions to the user fee schedule, which would become effective October 1, 2007. She explained who pays user fees and why. Three CPI (Consumer Price Index) increases were reviewed, followed by a review of revisions to fees for Development Services, Fire-Rescue Services, Recreation Services, and Utility Services; details were provided.

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. 102-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

8. Resolution No. 103-2007

A resolution of the City of Boca Raton, pursuant to Chapter 166, Florida Statutes, determining whether the City holds title to any real property that is appropriate for use as affordable housing; providing for severability; providing for repealer; providing an effective date

Teresa, McClurg, Community Improvement Administrator, gave the presentation, stating that with the passage of HB-1363 in 2006, known as the Surplus Lands bill, each municipality in the County must evaluate all real property owned by that municipality and determine whether any of it is appropriate for use as affordable housing. An inventory of the property must be adopted by resolution; if any property is deemed appropriate for use as affordable housing, a disposition procedure and policy must be established. Council is required to review the inventory at a public hearing, make any changes, and then adopt a resolution; this procedure must be followed every three years.

Ms. McClurg advised that a list of City-owned properties was provided to Council. Staff reviewed same and did not find any properties suitable for affordable housing. She concluded by recommending approval of the resolution.

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

Council Member Arts referred to a piece of property that he understood had been returned to the City by Highland Beach and asked for the status of same. The City Manager explained that Highland Beach did not return land to the City. There are two parcels that Highland Beach may desire to sell, and the City of Boca Raton has the first right of refusal; therefore, should any legitimate buyers come forward, the proposal(s) would be presented to the City to determine whether the City wished to acquire the property(s) at the same price.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 103-2007. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 5003

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute non-exclusive Commercial Solid Waste Collection Services Franchise Agreements with the vendors identified in Exhibit "A", pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.e.5* **(*Contingent upon adoption of Resolution No. 104-2007, Item 3.g.)**

Motorola Handheld Radio System
P-25 Technology Upgrade
Requested by Police Services
Motorola

530,416

3.g. Resolution No. 104-2007

A resolution of the City of Boca Raton authorizing the City Manager or designee to execute a Reconfiguration Implementation Agreement, Phase I and II, with Motorola for the purpose of rebanding the City of Boca Raton's radio system; providing for severability; providing for repealer; providing an effective date

Responding to queries from Council Member Arts, Deputy City Manager George Brown explained that the Federal Communications Commission (FCC) passed legislation requiring all municipalities (with 800 MHz systems throughout the country) to reprogram their radios to move from one frequency spectrum to another; implementation is being carried out in waves and the City is part of Wave 3. A frequency reconfiguration agreement with Sprint/Nextel is necessary, wherein Sprint/Nextel pays to reprogram all the City's radios and move them from one part of the frequency spectrum to another so they will continue to work. In order to accomplish this, the City is required to hire a vendor to reconfigure the radios the City already owns. Mr. Brown advised that some radios are being replaced, as they cannot be reconfigured. Motorola was selected as the sole source vendor since it is the original equipment manufacturer for both the radio equipment and the switch equipment (in terms of hardware and software) that operates the radios across the air; this company is best equipped to complete the reconfiguration implementation stages of the work required.

Regarding Consent Item 3.e.5., Mr. Brown stated that this is an upgrade to the current radios that can only be supplied by Motorola, at this point. However, this upgrade will allow the City to buy any manufacturer's radio system in the future when it is determined that the system needs to be replaced; details were provided. Responding to Council, Mr. Brown explained how Motorola was originally chosen and where the money for the upgrade is coming from. He confirmed with Council that there would be no "downtime" while this upgrade is implemented.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to approve the expenditure of \$530,416 for the upgrade to the Motorola handheld radio system (Consent Agenda Item No. 3.e.5.). Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Arts, seconded by Council Member Hager, to approve the Resolution No. 104-2007 (Consent Agenda Item No. 3.g.). Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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| 3.e.3. HTE Software Maintenance
Requested by City Manager
Sungard HTE Inc. | 103,049 |
| 3.e.4. Software Maintenance for Police
Public Safety System
Requested by City Manager
Sungard HTE Inc. | 198,941 |

Mayor Abrams recused himself from the vote on the above items, stating that Sungard HTE Inc. is a client of his law firm in the main office of Philadelphia.

Mr. Ahnell advised that Item 3.e.3. relates to the City's mainframe software system. He stated that it was competitively bid years ago and there is currently only one vendor available to maintain the system. The second item relates to the 911 dispatch software and the same information holds true. It was noted that Sungard HTE bought out the original companies.

Motion was made by Council Member Arts, seconded by Council Member Hager, to approve the expenditures outlined in Consent Agenda Item Nos. 3.e.3. and 3.e.4. Motion carried 4-0; Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Boca Raton High School Conditional Use Approval

Mr. Ahnell referred to his memorandum, dated September 19, 2007, which was distributed by the Clerk, and explained that the Palm Beach County School District requested, and received in 2002, Conditional Use Approval from the City of Boca Raton with regard to modifications proposed for Boca Raton High School; details were provided. Later, the School District determined that it was unable to complete the site as contemplated in the Conditional Use Approval and alternatives were identified. Ultimately, a swimming pool was proposed for construction, the stadium would be relocated and rebuilt, and an accompanying concessions building would be added. A revised site plan was provided by the School District to City staff for review in 2006. Staff rendered preliminary comments but did not hear back from the School District. Mr. Ahnell advised that, subsequently, the School District has moved forward with their construction. He stated that staff wished to balance the interests of the City and the School District with regard to this issue because they are required to obtain a new conditional use approval, which they have not done.

Staff has considered the impacts of the new site plan and, since they are simply moving things around on the campus, it appears the plan would meet the requirements related to applicable setbacks and heights. Based on the information received, staff has no objection to the stadium being moved, the swimming pool being added, and the concessions building being added to their campus master plan as well. The City would still expect the School District to come before the City for any additional improvements to the campus under the Conditional Use Approval. In conclusion, Mr. Ahnell asked for Council's approval of his recommendation.

Responding to Council, Mr. Ahnell advised that the City was still in negotiations with the School District over signage; staff anticipated coming before Council in approximately 60 to 90 days with a recommendation in regard to same.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the City Manager's recommendation with respect to Boca Raton High School Conditional Use Approval and Site Plan Modifications regarding the stadium, concessions building, and swimming pool. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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 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, September 25, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk