

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 22, 2008
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 6:00 p.m.

INVOCATION:

Deputy Mayor Baronoff gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Hager, seconded by Council Member Haynie, to amend the agenda to add Ordinance No. 5034 under, "Part V – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of April 7, 2008
Minutes of the Regular Meeting of April 8, 2008

Motion was made by Mayor Whelchel, seconded by Council Member Hager, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Water Conservation Month {April 2008} / Drinking Water Week {May 4 through May 10, 2008}
The proclamation was accepted by Utility Services Director Chris Helfrich.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no appointments to consider.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.a.2. – Pearl City-Phase III Glades Road Improvements) A memo was provided. The City Manager explained that improvements included median beautification, irrigation, landscaping, decorative sidewalks and fencing, an architectural entry feature, signs and historical markers in general conformance with the Pearl City Master Plan conditions. These improvements would cost \$159,134 and funding is provided by a Federal grant.

3. Consent Agenda:

Mayor Whelchel provided an opportunity for any member of the public to comment on the Consent Agenda; no one came forward to speak.

Motion was made by Council Member Hager, seconded by Deputy Mayor Baronoff, to approve the Consent Agenda. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

a. Sealed Bid

- | | | |
|----|---|-----------|
| 1) | IBM Server Maintenance
Requested by City Manager
Mid Range Support & Service, Inc. | \$191,480 |
| 2) | Pearl City – Phase III Glades Road Improvements
Dixie Highway to Federal Highway
McCabe Brothers Construction, Inc. | \$359,135 |

b. Intergovernmental Agreements

- | | | |
|----|--|-----------|
| 1) | Heavy Duty Trucks (Replacements)
Requested by Municipal Services,
Recreation Services, Utility Services
Atlantic Truck Center | \$231,634 |
| 2) | Trash Truck (Replacement)
Requested by Municipal Services
Sterling Western Star Trucks of Tampa | \$210,884 |

c. Sole Source

- | | | |
|----|---|-----------|
| 1) | Facility Maintenance and Fleet Maintenance Software
Requested by Municipal Services
Sungard Public Sector, Inc. | \$158,540 |
|----|---|-----------|

d. Resolution No. 47-2008

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

e. Resolution No. 48-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement 02PB1, with the Florida Department of Environmental Protection, extending the contract agreement one year, as it relates to the Central Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 49-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement 03PB1, with the Florida Department of Environmental Protection, for the purpose of increasing reimbursement funding related to the North Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 50-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Mathews Consulting, Inc. for the purpose of providing construction observation services for the Hidden Valley Water and Wastewater Infrastructure Improvements Project; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 51-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Camp Dresser & McKee Inc. for the purpose of providing consulting services for the Glades Road Water Treatment Plant (WTP) SCADA system study project; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 52-2008

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for the Bulletproof Vest Partnership Grant Program; 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. Resolution No. 53-2008

A resolution of the City of Boca Raton canceling the second workshop and regular meetings in June 2008, the first workshop and regular meetings in July 2008, and the first workshop and regular meetings in August 2008; providing for severability; providing for repealer; providing an effective date

- k. Board Resignations
 - 1) Resignation of Steven E. Wallace from the Pearl City Blue Ribbon Committee

- l. Receive and File Board Orders
 - 1) Zoning Board of Adjustment Resolution No. BA-08-01
 - 2) Zoning Board of Adjustment Resolution No. BA-07-09

- m. Receive and File Board Minutes – April 22, 2008
 - 1) Community Appearance Board
 - March 4, 2008
 - March 11, 2008
 - March 18, 2008
 - 2) Community Relations Board
 - February 11, 2008
 - 3) Downtown Boca Raton Advisory Committee
 - January 16, 2008
 - 4) General Employees' Pension Board
 - February 20, 2008
 - March 13, 2008
 - 5) Historic Preservation Board
 - December 18, 2007
 - 6) Library Advisory Board
 - January 16, 2008
 - 7) Marine Advisory Board
 - March 5, 2008
 - 8) Pearl City Blue Ribbon Committee
 - February 28, 2008
 - 9) People With Disabilities
 - March 6, 2008
 - 10) Planning and Zoning Board
 - March 6, 2008
 - 11) Police and Firefighters' Pension Board
 - November 29, 2007 (Disability Review Committee)
 - February 20, 2008 (Joint Administrative Committee with General Employees)
 - February 28, 2008 (Special Meeting)
 - February 28, 2008 (Regular Meeting)
 - March 17, 2008 (Joint Administrative Committee with General Employees)

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

Mayor Whelchel provided an opportunity for any member of the public to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to approve the Quasi-Judicial Consent Agenda. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

4. Resolution No. 45-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Saint Andrew's School Plat No. 3, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (UC-07-01/SUB)

REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 5033

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Public Utility Easement, located at 6600 North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-01)

Property Specialist/Appraiser Lynn Bodor gave the presentation, referring to a Planning and Zoning (P&Z) Board resolution, which amended a prior P&Z resolution related to approval of the Boca 54 Acres Project, also known as the Office Depot Headquarters. The amendment included installation and dedication of new turn lanes on Military Trail and Clint Moore Road. However, the subject areas are encumbered with portions of a platted public utility easement. Consequently, this petition requests abandonment of a 13-foot wide portion of the 25-foot wide public utility easement, spanning portions of Parcels B through F of Arvida Park of Commerce Plat No. 11.

Ms. Bodor noted that all appropriate City departments and all franchised utilities were contacted and all support the abandonment with no conditions imposed. In conclusion, staff also supported the petition.

Responding to Council, the City Attorney confirmed that utility easements owned by the City could only be used for utilities and related functions; the easements could not be sold as freestanding parcels. Ms. Bodor also provided additional information to Council as requested.

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

Motion was made by Council Member Haynie, seconded by Deputy Mayor Baronoff, to adopt Ordinance No. 5033. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

5.a. Ordinance No. 5034

An ordinance of the City of Boca Raton amending Sections 19-75 and 19-77(5) relating to appeals of decisions of the Builders' Board of Adjustment and Appeals; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

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.

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

6. Resolution No. 46-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to permit an additional freestanding sign located less than 250 feet in distance from an existing freestanding sign, for T. Rowe Price Associates, Inc., located at 925 South Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-07-03)

The City Attorney advised that quasi-judicial procedure would be followed for the public hearing; there were no ex parte disclosures. The City Clerk administered the oath to those who indicated they wished to speak.

Development Services Senior Planner Susan Lesser gave the PowerPoint presentation. Location and an aerial view of the site were provided; the subject property consisted of two buildings. An existing Wachovia Plaza freestanding curvilinear sign is located at 975 South Federal Highway on the southeast corner of East Camino Real and South Federal Highway. A second freestanding monument sign, which is the subject of this petition, is proposed for the northeast corner of the second building, located at 925 South Federal Highway. City Code provides that properties with two or more street frontages are permitted two freestanding signs, provided that the signs are not located within 250 feet of each other, as measured along the frontage line. However, the length of the site is too small to allow for the spacing specified. Therefore, the applicant has requested a variance to allow the signs to be located approximately 205 feet from one another.

The Community Appearance Board reviewed this application in February 2008 and recommended approval with one condition; specifically, the tenant's name may only be located on one of the two monument signs. Ms. Lesser advised that staff also reviewed the application and found the variance to be a reasonable request. Therefore, staff recommended approval as well.

Dan Taylor, an attorney representing T. Rowe Price, asked Council to approve the variance. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Resolution No. 46-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Tri-Rail Presentation

Mr. Ahnell advised that he received a request from Tri-Rail to be placed on a future workshop agenda. Barring any objections, they would be scheduled for the May 27, 2008 workshop meeting to, presumably, discuss Tri-Rail service and future development of the proposed Tri-Rail site in Boca Raton. Discussion followed during which Council referred to a previously approved resolution (Res. No. 32-2008) which outlined the City’s vision in connection with the proposed Tri-Rail station. Ultimately, Council had no objection to placing the Tri-Rail item on the workshop agenda, as specified.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie reported on her attendance at a Golden Harbour community block party and applauded the community spirit of the residents.

Deputy Mayor Baronoff referred to the hurricane preparation workshops, which staff provided to residents last year, and suggested that citizens be advised as to when these workshops would be scheduled this year. The City Manager advised that a mailer would be sent to residents, containing information on hurricanes and tips; schedules for the hurricane workshops could also be included. He advised that the mailer should be sent out by the latter part of May.

Council Member Arts referred to the prior discussion regarding Tri-Rail and Resolution No. 32-2008 and suggested that Council revisit the resolution, prior to the Tri-Rail workshop presentation. The City Manager indicated that Council could reaffirm the resolution at the next meeting. Brief discussion followed.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Deputy Mayor Baronoff, to adjourn the meeting. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:30 p.m. on Tuesday, April 22, 2008.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk