

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 10, 2009
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:

Council Member Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie
Council Member Mullaugh

Mayor Whelchel extended congratulations to Council Member Mullaugh, who, by the end of the qualifying period, was unopposed and, therefore, deemed elected. Mr. Mullaugh will retain Seat B for another two years, finishing former Deputy Mayor Baronoff's term.

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Hager, seconded by Council Member Haynie, to add Resolution No. 21-2009 to the Consent Agenda as Item No. 3.i. and to add Crocker Partners Letter of Intent for discussion under, "City Manager Reports." Motion carried unanimously on a voice vote; Mayor Whelchel, Council Members Arts, Hager, Haynie, and Mullaugh voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of January 26, 2009
Minutes of the Regular Meeting of January 27, 2009

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Florida Atlantic University Fighting Owls Football Team
This item was held over to the next City Council meeting.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:
 - a. Citizens' Pedestrian & Bikeway Advisory Board – one (1) vacancy.

No one came forward to interview.

- b. Code Enforcement Board – one (1) vacancy.

Motion was made by Council Member Arts, seconded by Council Member Haynie, to appoint Joseph McKeever to the Code Enforcement Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Council Members Arts, Hager, Haynie, and Mullaugh voting yes.

- c. Elder Affairs Advisory Board – three (3) vacancies.

Charles Farthing interviewed for a position on the Board.

Motion was made by Council Member Haynie, seconded by Mayor Whelchel, to appoint Charles Farthing and Malka Kornblatt and to re-appoint Joni Marin to the Elder Affairs Advisory Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Council Members Arts, Hager, Haynie and Mullaugh voting yes.

Mr. Farthing and Ms. Kornblatt were appointed; Ms. Marin was re-appointed.

- d. Pearl City Blue Ribbon Committee – one (1) vacancy; must be a resident of Dixie Manor, Pearl City, or Lincoln Court.

No one came forward to interview.

2. Responses to Workshop Information Requests:

Mr. Ahnell advised there were no items pertaining to tonight's meeting; consequently, information would be forthcoming in memo form at a later date.

3. Consent Agenda:

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

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

a. Sealed Bid

- 1) El Rio Canal Shared Use Pathway - Yamato Road to L-40 Canal
Requested by Municipal Services
Hardrives of Delray Inc. dba Hardrives, Inc. \$655,578

b. Intergovernmental Agreement

- 1) Automobiles and Light Trucks (Replacements)
Requested by Municipal Services
Alan Jay Chevrolet, Classic Chevrolet Company, Don Reid Ford, Duval Ford,
Garber Chevrolet, Buick, Pontiac & GMC Truck Inc., Orville Beckford Ford-
Mercury, Tropical Ford
\$1,944,000

c. Waiver of Procurement Procedures

- 1) Fuel Purchases at Private Gas Stations
Requested by Municipal Services
Ron's Camino Real Mobil
K and V Mobil \$266,700

d. Resolution No. 17-2009

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 cardiac monitor/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. 18-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with South Florida Regional Transportation Authority for the purpose of providing funding for the continuation of the Palm Tran Route 94 Demonstration Project service; providing for severability; providing for repealer; providing an effective date

f. Board Resignation

- 1) Resignation of Jaime Plana from the Builders' Board of Adjustment & Appeals

g. Receive and File Board Orders

- 1) SM(C) Case No. 08-1347
- 2) SM(C) Case No. 08-00003330
- 3) SM(C) Case No. 08-3399
- 4) SM(C) Case No. 08-00003724
- 5) SM(C) Case No. 08-4081
- 6) SM(C) Case No. 08-00004455
- 7) SM(C) Case No. 08-00004567

h. Receive and File Board Minutes – February 10, 2009

- 1) Community Appearance Board
December 23, 2008
January 6, 2009
- 2) Downtown Boca Raton Advisory Committee
November 19, 2008
December 3, 2008
- 3) Environmental Advisory Board
November 18, 2008
- 4) Financial Advisory Board
November 17, 2008
- 5) People With Disabilities
December 4, 2008

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. 5082

An ordinance of the City of Boca Raton exempting the City from the early voting provisions of Section 101.657, Florida Statutes, for the March 10, 2009 regular election; providing for severability; providing for repealer; providing an effective date

Mr. Ahnell advised that if the City was not going to provide early voting for the upcoming March election, it would have to opt out of same by approving the above ordinance. He explained that citizens could still vote early by obtaining absentee ballots, which can be mailed in, or by utilizing “ballots on demand,” which can be voted at the Supervisor of Elections main office or branch office. He added that this information had been included on the City’s website, as requested by Council.

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 Haynie, to adopt Ordinance No. 5082. Motion carried unanimously; Mayor Wheelchel, Council Members Arts, Hager, Haynie and Mullaugh voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

5. Ordinance No. 5083

An ordinance of the City of Boca Raton amending Chapter 18, Code of Ordinances, relating to Vehicles for Hire; revising the standards for approving Certificates of Public Convenience and Necessity; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hager.

6. Ordinance No. 5084

An ordinance of the City of Boca Raton, Florida (the “City”), authorizing, pursuant to the terms and provisions of Ordinance No. 4418 (the “Original Ordinance”), the issuance of not exceeding \$12,000,000 in Water and Sewer Revenue Refunding Bonds, Series 2009 (the “Series 2009 Bonds”) to currently refund all of the City’s outstanding Water and Sewer Revenue Refunding and Improvement Bonds, Series 1999, making such 2009 Bonds subject to the terms and provisions of the Original Ordinance; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Mullaugh.

7. Ordinance No. 5085

An ordinance of the City of Boca Raton amending Section 302.1.4 of the Supplemental Criteria and Procedural Rules of the Community Appearance Board (adopted under Ordinance No. 2110 and amended by Ordinance No. 4074) relating to mechanical equipment; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Arts.

8. Ordinance No. 5086

An ordinance of the City of Boca Raton amending Section 28-342 of the City Code of Ordinances providing supplemental standards for calculating roof height in single family residential districts; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

9. Ordinance No. 5087

An ordinance of the City of Boca Raton creating Section 6-15, Code of Ordinances, providing for the posting of certain campaign reports upon the City's web page; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Mayor Whelchel.

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.

(At this time, Mayor Whelchel suggested that "Mayor and Council Member Reports" take place prior to "City Manager Reports;" there were no objections.)

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Arts reminded those present of this week's Allianz golf tournament at Broken Sound and explained that Friday is "Boca Raton Day;" specifically, attendance at the tournament on Friday is free for residents of Boca Raton.

Council Member Haynie reported that she attended the North Federal Highway Steering Committee's meeting last week and asked the City Manager for the status of the mixed-use ordinance for that entire district. Mr. Ahnell is to follow up.

Council Member Hager advised that he was absent from yesterday's meeting as he was attending the out-of-town funeral of a former law partner, who passed away over the weekend. He then noted that he asked for creation of Ordinance No. 5083, relating to certificates for public conveyance and referred to a public meeting two weeks ago wherein this topic was discussed; Mr. Hager reported that those citizens who attended remarked that competition was welcomed. Consequently, this ordinance would remove the requirement that an applicant obtain approval from current license holders to do business in the City. Mr. Hager also advised that he asked for creation of Ordinance No. 5087, which would make campaign contribution reports available electronically. Last of all, Mr. Hager complimented the winners of the

annual Excalibur Awards for their business and community leadership; three winners were identified in the Sun Sentinel.

Mayor Whelchel also commented on the Allianz golf tournament and Boca Raton Day and advised that she would be working with the City Attorney on Ordinance No. 5087 to look into the 527s and ECOs (Electioneering Communication Organizations), or independent expenditures.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

10. Crocker Partners – Letter of Intent

The City Manager referred to the Sanborn Square District and Crocker Partners' proposed Letter of Intent, which was considered at yesterday's CRA meeting. He noted that the CRA approved the non-binding Letter of Intent yesterday, with amendments, and then briefly reviewed various points made in the Letter. He also reviewed an 8-page handout of additional information related to the Crocker Partners proposal, as well as the amendments made to the Letter of Intent by the CRA. The City Manager brought forward several issues for Council to consider and discussion ensued.

Motion was made by Council Member Arts, seconded by Council Member Hager, to approve the Letter of Intent with the conditions added by the CRA, which are as follows: 1) The Development Agreement should provide for milestones, benchmarks, or performance requirements with a specified timetable and, specifically, focusing on acquisition of land, and 2) The Development Agreement should address the concerns regarding restrictions of property owners' rights or abilities to request and acquire City lands or rights-of-way, and 3) In the event the Development Agreement should terminate, any contracts for acquisition of land that have been obtained by Crocker Partners would be assignable to the CITY or CRA at their election, and to add the following conditions suggested by CRA:

- a) No rights will vest in the developer unless and until the NOPC with the additional office equivalency has been approved.*
- b) Any special assessments or other charges that are imposed on all property owners would also be binding upon the developer.*
- c) The CRA's percentage of TIF shall not be limited to \$5 million but shall be limited only upon the CRA recovering all expenses paid for by the CRA for offsite improvements.*

Motion carried unanimously on a voice vote. Mayor Whelchel, Council Members Arts, Hager, Haynie and Mullaugh voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

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 Whelchel, Council Members Arts, Hager, Haynie and Mullaugh voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:55 p.m. on Tuesday, February 10, 2009.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk