

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 8, 2005
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 Whelchel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Workshop Meeting of January 24, 2005
Minutes of the Regular Meeting of January 25, 2005

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

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Proclamation – Recognition of Contributions of Richard Gescheidt

The proclamation was presented to Mr. Gescheidt by Mayor Abrams in recognition of 26 years of service to the City, which has improved the quality of life in Boca Raton.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment and Appeals – (4) four vacancies, due to term expirations of Robert L. Welch (Electrical Contractor), Pedro S. Riera (Mechanical A/C), Albert H. Hyman (at large), and Roy Christie (at large), whose terms expire 02/15/05.

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to reappoint Pedro S. Riera (Mechanical A/C), Albert H. Hyman (at large), and Roy Christie (at large) to the Builders' Board of Adjustment and Appeals. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Riera, Mr. Hyman, and Mr. Christie were reappointed to the Board; the position for the electrical contractor will be re-advertised.

- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy, due to the resignation of Barbara Safranek, whose term expires 01/12/07.

There were no applicants; the position will be re-advertised.

- c. Community Relations Board – (2) two student vacancies, due to the graduations of Danielle Landeck and Elizabeth Barron.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to appoint Octavia Lewis as a student member to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Ms. Lewis was appointed to the Board; the second student member position will be re-advertised.

- d. Parks and Recreation Board – (1) one vacancy, due to the resignation of Earl Starkoff, whose term expires 07/31/05.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to appoint Henry Kreh to the Parks and Recreation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Kreh was appointed to the Board.

2. Responses to Workshop Information Requests:

(Signal Construction / SW 13 Street at NW 9 Court) A memo was provided. Mr. Ahnell explained that the mast arms had been delivered and were on site. One of the mast arms was installed; however, the bolts sent to complete the installation were the incorrect hardware and had to be re-ordered. The project should be completed in approximately 60 days.

3. Consent Agenda:

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

- a. Sealed Bid
 - 1) Utility & Drainage Improvements Area II
Requested by Utility Services
Ric-Man International, Inc. \$2,559,571

- b. Competitive Sealed Proposal Renewal
 - 1) Independence Day Fireworks - Renewal
Requested by Recreation Services
Zambelli Fireworks Internationale \$27,000

- c. Sealed Bid Renewal
 - 1) Reclaimed Water Polymer - Renewal
Requested by Utility Services
KED Group, Inc. \$32,250
 - 2) Corrosion Control Chemical - Renewal
Requested by Utility Services
Calciquest, Inc. \$115,000

- d. Intergovernmental Agreement
 - 1) Automobiles and Light Trucks
Requested by Municipal Services
Caruso Chrysler, Duval Ford, Garber Chevrolet,
Garber Ford Mercury, and Proctor & Proctor, Inc. \$885,343
 - 2) Road Construction Materials
Requested by Municipal Services
Recreation Services
Utility Services
Austin Tupler Trucking, Community Asphalt,
Conrad Yelvington Distributor, Inc.,
and Hardrives of Delray \$50,000

- e. Sole Source
 - 1) Access Control and Security System
Requested by Utility Services
Cyber Access Control LLC \$80,000
 - 2) Variable Frequency Drive Pumping Station - Replacement
Requested by Recreation Services
Flowtronic PSI Inc. \$67,009
 - 3) Upgrade to Sodium Hypochlorite Generators
Requested by Utility Services
Carter and VerPlanck, Inc. \$145,000

- f. Emergency
 - 1) Engine Replacement for Fire Rescue Pumper
Requested by Fire Rescue Services
Freightliner Trucks of South Florida \$29,145

g. Resolution No. 20-2005

A resolution of the City of Boca Raton authorizing the Mayor, the City Manager and the Chief of Police to execute a Mutual Aid Agreement with Palm Beach County local governments and law enforcement agencies for the purpose of combined operational assistance and voluntary cooperation; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 25-2005

A resolution of the City of Boca Raton authorizing the Mayor and Chief of Police to execute a Memorandum of Understanding with Palm Beach County law enforcement agencies for the purpose of addressing violent crimes utilizing a team problem-solving approach; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 26-2005

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 continuing 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

j. Resolution No. 27-2005

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 equipment, supplies, and printing of materials for the City of Boca Raton 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

k. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 04-2421
 - b) SM(G) Case No. 04-00003362
- 2) Builders' Board of Adjustment & Appeals
 - a) Order of Decision
Case No. BBAA-04-6741

l. Resignation

- 1) Resignation of Special Master Richard Gescheidt

m. Receive and File Board Minutes – February 8, 2005

- 1) Builders' Board of Adjustment and Appeals
July 28, 2004
- 2) Community Appearance Board
January 11, 2005
- 3) Financial Advisory Board
November 15, 2004

- 4) Library Advisory Board
December 15, 2004
- 5) Telecommunications Advisory Board
October 4, 2004

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4841 (Continued from the January 25, 2005 meeting.)

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency ("CRA") pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. ("Tenant"); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant ("Amended and Restated Lease Agreement"); providing for severability; providing for repealer; providing an effective date

Mr. Ahnell advised Council that negotiations with the parties involved was not yet concluded and suggested continuing this matter to the regular Council meeting of February 23, 2005.

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

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to continue the public hearing to the City Council meeting of February 23, 2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

5. Ordinance No. 4844

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 8, 2005 election; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown gave the presentation. He provided background information related to how this ordinance came to be created. He then stated that the above ordinance would provide for early voting in the City of Boca Raton's March 8, 2005 election with the following stipulations: a) City Hall would be designated the voting site, b) early voting would occur for a 14-day period beginning February 22 and ending March 7, and c) the hours for early voting would be from 8:30 a.m. to 4:30 p.m. on weekdays and from 10:00 a.m. to 2:00 p.m. on each of the weekend days. Mr. Brown advised that the primary difference between the statutory process and the City's early voting process was that the City was providing a 14-day early voting period instead of a 15-day voting period, since the first day of the early voting period would have fallen on President's Day.

Mr. Brown then concluded his presentation and answered questions from Council regarding the expected cost to provide early voting and why other municipalities chose to opt out of same. He also stated that other municipalities did not choose to provide early voting, as there was concern that the voter turnout would not justify the cost involved. Additional details were provided as requested by Council.

Spencer Siegel spoke in support of the ordinance. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Whelchel, seconded by Council Member Freudenberg, to adopt Ordinance No. 4844.

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to amend Ordinance No. 4844, using language generally consistent with the following: Page 1, Line 15, to read, "...before the March 8, 2005 election, excluding weekends," and Page 1, Line 18, deleting, "...and between the hours of 10:00 a.m. and 2:00 p.m. on each of the weekend days during the 14-day period," and adding to Line 17, "...shall be provided for on weekdays during the early voting period between the hours of..." Motion carried 4-1 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Haynie and Whelchel voting yes. Council Member Freudenberg voted no.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to amend Ordinance No. 4844, to extend the early voting hours to 5:30 p.m. Motion carried 4-1 on a voice vote; Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes. Mayor Abrams voting no.

The motion to adopt Ordinance No. 4844, as amended, carried 5-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie, and Whelchel 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. 4845

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.61 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from Residential Medium (RM) to Conservation (N); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-13)

The ordinance was introduced by Council Member Freudenberg.

7. Ordinance No. 4846

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Deputy Mayor Hager.

8. Ordinance No. 4847

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through a budget amendment, relating to annexation; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Haynie.

9. Ordinance No. 4849

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: The School District of Palm Beach County Six Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Whelchel.

10. Ordinance No. 4850

An ordinance of the City of Boca Raton relating to the review of development plans; revising various sections of the Code of Ordinances to provide for the review of development plans by the City staff and to provide for the inclusion of a fee for such services in the Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-02)

The ordinance was introduced by Council Member Haynie.

11. Ordinance No. 4851

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Lease Agreement with Tri-County Humane Society, Inc., for the City-owned property at 21287 Boca Rio Road and adjacent property; requiring as a condition of such Lease Agreement the assignment to Tri-County Humane Society, Inc. of a lease from Palm Beach County, Florida for such adjacent property; providing for the termination of the Turnkey Operations and Maintenance Agreement between the City and Tri-County Humane Society; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

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:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

Red Light Cameras

The City Attorney addressed this issue, raised yesterday by Council Member Freudenberg, and distributed a memo in regard to same. She explained that the Attorney General issued numerous opinions on the topic of installing cameras at intersections to catch red light runners; the last opinion was in 1997, which stated that municipalities were preempted from installing cameras. The City of Pembroke Pines has presented a different argument to elicit a different opinion. If the Attorney General comes forward with a different opinion, all municipalities would be able to take advantage of that new judgment. Ms. Frieser will update Council as information becomes available.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Whelchel referred to the discussion that took place yesterday regarding seagrapes, beachfront property, and the request for a committee to research coastal maintenance; she asked the City Manager to speak with the residents who commented on this issue at yesterday's workshop. Mr. Ahnell advised that a recommendation would be made as to what types of professionals would be appropriate to serve on the committee, in addition to area residents, and Council would ultimately make the appointments.

Deputy Mayor Hager requested an update on the negotiations with Adelphia, citing complaints he continues to receive in terms of service. The City Manager indicated that although Adelphia had received bids for purchase of the company, no progress had been made in regard to a change in the level of service rendered to City residents since there's no competition and Adelphia is in bankruptcy. At this point, there was no time frame for resolution of service issues. The City Attorney added that Adelphia's bankruptcy proceedings are moving forward.

Council Member Freudenberg advised that School Board Member Mark Hansen had been approached by a new City resident, who offered to donate \$5,000 to fund a program entitled, "Bullying Prevention Model," if the City of Boca Raton would match the dollars. Mr. Freudenberg suggested to Mr. Hansen that the City might consider matching the funds if the School Board also provided a monetary match; the School Board advised today that it would be inappropriate, as focus would be given to certain schools. Deputy Mayor Hager commented that a procedure was already in place to address these types of requests during the annual budget process.

Council Member Haynie referred to the intersection at Palmetto Park Road and SW 4th Avenue and the approval of the Eden Condominiums wherein traffic improvements were made a condition of same. She asked when the improvements would be made and whether those improvements could be expedited, as it was getting to be a critical area. Mr. Ahnell explained that the engineering staff was in the design phase now; construction was expected to take place early next fiscal year. Ms. Haynie suggested that, in the interim, the timing of the signals might be amended to help improve traffic flow.

Mayor Abrams reported on his attendance at a homeowner association meeting where a suggestion was made by a citizen to include a box on permit applications that would indicate whether the application had been reviewed by the appropriate homeowner association, when required. Another citizen suggestion related to providing citizens with the ability to enroll in any sessions at any City community center as opposed to, for example, having to enroll at Patch Reef Park for a class offered only at that location. Mayor Abrams then turned attention to the naming of the dog park, suggesting that this matter be referred to the Parks and Recreation Board, barring any objection from Council; he also asked the City Manager for the status of the park. Mr. Ahnell explained that trees had been relocated and irrigation had been installed; concrete work and sodding was expected to be completed soon. The opening date for the dog park was approximately two weeks. Last of all, Mayor Abrams commented on the Scripps project, asking for, and obtaining, consensus that while Scripps was not coming to Boca Raton, Council would like to see it relocate in Palm Beach County as quickly as possible.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:45 p.m. on Tuesday, February 8, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk