

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 25, 2006
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 Baronoff 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:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Workshop Meeting of April 10, 2006
Minutes of the Regular Meeting of April 11, 2006

Motion was made by Council Member Hager, seconded by Council Member Arts, 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:

There were no proclamations, recognitions, or awards.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no appointments to consider.

2. Responses to Workshop Information Requests:

The City Manager advised that responses to questions from yesterday's workshop would be provided in tonight's presentations or in memo form at a later date.

3. Consent Agenda:

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

a. Sealed Bid - Renewals

- | | | |
|----|---|-----------|
| 1) | Solar Salt - Renewal
Requested by Utility Services
Morton Salt | \$165,000 |
| 2) | Wastewater Sludge Polymer - Renewal
Requested by Utility Services
Stockhausen, Inc. | \$253,600 |
| 3) | Water Treatment Plant Color Reduction
Chemical - Renewal
Requested by Utility Services
Stockhausen, Inc. | \$40,500 |

b. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Electrical Supplies
Requested by Utility Services
Graybar Electric Company | \$43,894 |
| 2) | Front End Loaders
(1 New and 1 Replacement)
Requested by Municipal Services
Briggs Equipment | \$220,470 |
| 3) | Sodium Hypochlorite
Requested by Utility Services
Allied Universal Corporation | \$142,000 |

c. Emergency – Hurricane Wilma (Phase VI)

- | | | |
|----|---|----------|
| 1) | Red Reef Park Boardwalk Repairs
Requested by Recreation Services
B.K. Marine Construction, Inc. | \$50,575 |
|----|---|----------|

d. Resolution No. 57-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Terry Cohen, M.D., for the provision of professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 58-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boys & Girls Clubs of Palm Beach County, Inc., for the purpose of assisting with the operating costs of after-school and summer camp programs; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 59-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boca Raton Housing Authority for the purpose of assisting with the operating costs of the Children Achieving Their Success ("CATS") Program; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 60-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Easement Deed for right of way purposes to Lake Worth Drainage District over certain lands located within a portion of Section 12 and Section 13, Township 47 South Range 42 East; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 61-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease with Florida East Coast Railway, L.L.C. for certain railway right of way areas for turn lane, parking, sidewalk and beautification; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 62-2006

A resolution of the City of Boca Raton authorizing the City Manager to write off water and sewer system bad debts for Fiscal Years 1997 through 2003; providing for severability; providing for repealer; providing an effective date

j. Board Resignation

- 1) Resignation of Sarah A. Bialy from the Elder Affairs Advisory Board

k. Receive and File Board Minutes – April 25, 2006

- 1) Elder Affairs Advisory Board
March 22, 2006 (Organizational Meeting)
- 2) Financial Advisory Board
February 21, 2006
- 3) Historic Preservation Board
February 21, 2006
March 6, 2006 (Workshop)

- 4) Library Advisory Board
February 15, 2006
- 5) Marine Advisory Board
March 1, 2006
March 29, 2006 (Tour of Waterways)
- 6) Planning and Zoning Board
March 16, 2006
- 7) Telecommunications Advisory Board
February 6, 2006

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:

4. Resolution No. 54-2006

A resolution of the City of Boca Raton granting conditional use approval for the Smith and DeShields warehouse and showroom building on a parcel of land located at 181 N.W. 20th Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-05-08)

Mayor Abrams advised that quasi-judicial procedure would govern this hearing; the City Clerk administered the oath to those who indicated they wished to speak.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. Acreage, location, zoning, and land use designation were provided. Two businesses currently exist on the site – a motorcycle and boat sales facility and an iron products business. Mr. Annunziato advised that warehousing is a permitted use in the district; however, the proposed showroom requires conditional use approval. He then spoke to two utility easements, stating that they would have to be abandoned prior to the issuance of a building permit. Information related to access, sidewalks, parking, and a bus shelter were reviewed; it was also noted that a decrease in trip generations was expected. Mr. Annunziato concluded his presentation by advising that the Planning and Zoning Board reviewed this petition and recommended approval, as did staff. He then answered questions from Council regarding when construction might begin and details related to the Margolis letter, which was included in the material.

Paul Slattery, the architect for the project, advised that he was available for questions; he provided additional information as requested.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 54-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4922

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System; amending Section 12-154, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

6. Ordinance No. 4925

An ordinance of the City of Boca Raton amending the Code of Ordinances, relating to the Executive Employees' Retirement Plan; amending Sections 12-160 and 12-162, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

7. Ordinance No. 4926

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan; amending Section 12-84, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager introduced Office of Management and Budget Director Linda Davidson, who gave the presentation on the three ordinances listed above. Mr. Ahnell noted that these ordinances were revised and those revisions would be explained this evening.

Ms. Davidson stated that several years ago, the City provided employees with the opportunity to purchase up to five years of other governmental or military service. In the event that a member is ineligible to procure a straight service purchase of years, the City has provided an alternate method of calculating an additional benefit percentage to provide the same benefit. She added that this benefit would be at the member's cost; details were provided. Each of the pension boards reviewed the proposed ordinances and recommended adoption. In addition, impact statements from the actuaries were provided, reflecting either minimal or no adverse effect on the pension plans. Ms. Davidson concluded her comments and answered questions from Council; she confirmed with Council that the City would not incur any new or additional unfunded liability.

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. 4922, Revised Replacement Ordinance 4/25/06. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Motion was made by Council Member Hager, seconded by Council Member Arts, to adopt Ordinance No. 4925, Revised Replacement Ordinance 4/25/06. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4926, Revised Replacement Ordinance 4/25/06. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

8. Ordinance No. 4934 (First of two required public hearings – no vote will be taken.)

An ordinance of the City of Boca Raton requiring City Council approval to convert hotel and motel rooms, within hotels/motels that do not qualify as a permitted use, to residential dwelling units; providing for severability; providing for repealer; providing for codification; providing an effective date

Planning and Zoning Director Carmen Annunziato gave the presentation, advising that this was the first of two required public hearings. He explained that this ordinance would create a new section of the City's Code of Ordinances, specifically, Section 28-1306, which, in general, would provide for the conversion of hotel and/or motel rooms into residential units pursuant to approval by the City Council in accordance with Article II, Division 4 of Chapter 28; Mr. Annunziato noted that Article II, Division 4 comprises the conditional use approval requirements of the City's Code. He added that an industry trend exists to convert hotel/motel rooms into residential units, which may have unexpected and/or unanalyzed impacts on development and public services as they relate to, for example, schools, parks, and roadways. These impacts must be mitigated prior to conversion. Requiring the proposed conversions to be reviewed by Council, pursuant to conditional use approval procedures, would result in the mitigation of any additional impacts by imposing conditions on the conversion. He stated that the Planning and Zoning Board reviewed this ordinance and unanimously recommended approval of same, as did staff.

The public hearing was opened and, seeing no one come forward to speak, closed. Mayor Abrams advised that this item would be considered again at the next City Council meeting and voted upon at that time.

9. Ordinance No. 4936

An ordinance of the City of Boca Raton providing for the vacation and abandonment of the unimproved portion of Banyan Trail located south of N.W. Spanish River Boulevard and east of North Military Trail, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-03)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation, advising that the City Manager proposed to abandon 79,928 square feet, or 1.835 acre, of an unimproved portion of a deeded right-of-way known as Banyan Trail. Citing the City Code, Ms. Bodor explained that the City would not lose any benefits through this abandonment. In addition, the City Code allows new alternate right-of-way to be considered as compensation for abandoned right-of-way. She noted that the City owns the property surrounding the abandonment, and future development would include public roadways. Consequently, since the new roadway area would be larger than the area to be abandoned, the public would receive a greater benefit than they are giving up and would be facilitating the development of City-owned property that would serve the public interest and general welfare.

All franchised utility companies and pertinent City departments were contacted; they were all in favor of the abandonment, as was the Planning and Zoning Board whose members unanimously recommended approval of same. Ms. Bodor concluded her presentation; she and the City Manager then answered questions from Council.

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. 4936. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

10. Ordinance No. 4937

An ordinance of the City of Boca Raton granting to Florida Power and Light Company, its successors and assigns, an electric franchise; imposing provisions and conditions relating thereto; providing monthly payments to the City of Boca Raton; providing for repealer; providing an effective date

Deputy City Manager George Brown gave the presentation, advising that this ordinance would grant a new franchise agreement to Florida Power & Light Company (FPL); it's a 30-year franchise from the effective date of the ordinance and replaces the existing 1976 franchise, which expires December 2006. Mr. Brown explained that the new FPL franchise provides for a revised franchise fee calculation methodology, estimated to result in revenues of approximately \$75,000 per year in revenue to the City. He reviewed details related to the prior methodology used in calculating the franchise fee and stated that this new franchise would establish a simplified fee calculation methodology of 5.9 percent with no offset for property taxes paid. He added that a summary of provisions related to the franchise ordinance were provided to Council. He then concluded his presentation and answered questions from Council regarding FPL's performance and the fee structure. The City Manager also provided additional information related to usage and rates.

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. 4937. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

11. Ordinance No. 4938

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to utilities by amending Chapter 17 removing all references to user fees and placing them in the Boca Raton Municipal Facilities and Services User Fee Schedule, revising meter access provisions, revising delinquent notice mailing requirements, revising property lien priority, revising owner obligations and deleting the exception for firelines and sprinklers as cross connections; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 55-2006

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to water and sewer fees; providing for severability; providing for repealer; providing an effective date

The City's Treasurer, Carol Himes, gave a PowerPoint presentation on the above ordinance and resolution, providing details related to infrastructure access, delinquent notice mailing requirements, liens, owner obligations, rates, write-off of uncollectible accounts, user fees, and cross connections. New user fees were reviewed and supporting information was provided as to the need for same. Ms. Himes concluded her presentation and answered questions from Council. The City Attorney clarified that staff had taken fees out of the City Code and included them in the User Fee Schedule so they can be found in one place.

Referring to the proposed increase in deposits, the City Manager advised that this increase was due directly to the fact that the City had to write off \$234,000 in bad debts; if the appropriate deposits were in place, they would have covered the bad debts that were, consequently, left for other water and sewer customers to pay. Other new items were added due to additional filing fees being charged to the City by the County; the City is also incurring additional costs to service the water and sewer customers. Mr. Ahnell and Ms. Himes provided additional information as requested and confirmed with Council that if the deposit increase was not approved, all water and sewer customers paying their appropriate share would have to subsidize those who did not pay their bills.

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

Motion was made by Council Member Hager, seconded by Deputy Mayor Welchel, to adopt Ordinance No. 4938. Motion carried 4-1; Mayor Abrams, Deputy Mayor Welchel, Council Members Baronoff and Hager voting yes. Council Member Arts voted no.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt Resolution No. 55-2006. Motion carried 4-1; Mayor Abrams, Deputy Mayor Welchel, Council Members Baronoff and Hager voting yes. Council Member Arts voted no.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

There were no items for consideration.

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:

Summer Schedule

Mr. Ahnell asked Council to look at their summer calendars and determine which, if any, meetings they would like to cancel. He noted that on July 24, 2006, a budget workshop is scheduled for that evening. Brief discussion ensued.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to cancel the workshop and regular Council meetings of June 26 and 27, 2006, and July 10 and 11, 2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Welchel, 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:

Council Member Arts commended the City Manager and City staff with regard to the goal setting sessions that were recently conducted. Responding to Mr. Arts, the City Manager advised that the facilitator's report of those sessions would be forthcoming in approximately 30 days.

Council Member Baronoff referred to comments made at yesterday's workshop meeting, related to eminent domain, and suggested that an update be provided at the next CRA meeting as to what the timetable is, should that course of action be taken. Mr. Ahnell explained that staff has been monitoring the State Legislature and the many bills regarding eminent domain that are being reviewed. He added that staff would provide additional guidance to CRA members to resolve the issue of the pedestrian spine at the next CRA meeting.

Deputy Mayor Welchel advised that she received phone calls from people who, after the workshop meeting, advocated moving forward with the spine.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Council Member Arts, 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 6:53 p.m. on Tuesday, April 25, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk