

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 9, 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 24, 2006
Minutes of the Regular Meeting of April 25, 2006

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, 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:

- a. Boca Raton Airport Authority – three (3) vacancies due to term expirations of Joseph Bilotti (East – I-95), Harold G. Ingraham, Jr. (At large), and Ben McCaul (East – I-95), whose terms expire 06/01/06.

Frank Feiler interviewed for a position on the Authority. Seeing no one else come forward to interview, the floor was opened for nominations. Deputy Mayor Whelchel nominated Paul Carman, Frank Feiler, and Harold Ingraham; Council Member Arts nominated Ben McCaul. The nominations were then closed without objection.

In the voting: Mayor Abrams voted for Mr. Ingraham, Mr. McCaul, and Mr. Carman; Deputy Mayor Whelchel, Council Members Baronoff and Hager voted for Mr. Carman, Mr. Feiler, and Mr. Ingraham; and Council Member Arts voted for Mr. Ingraham, Mr. McCaul, and Mr. Feiler.

Mr. Ingraham was reappointed to the “At Large” position; Mr. Carman and Mr. Feiler were appointed to the “East – I-95” positions.

- b. Boca Raton Advisory Board for the Physically and Mentally Challenged – one (1) vacancy due to the resignation of Joan C. Daly, whose term expires 04/23/09.

There were no applicants; the position will be readvertised.

- c. Builders’ Board of Adjustment & Appeals – one (1) vacancy due to the resignation of Andrew Conger (At-large member), whose term expires 02/15/08.

There were no applicants; the position will be readvertised.

- d. Citizens’ Pedestrian and Bikeway Advisory Board – two (2) vacancies due to resignations of Anita Pearson and Ed Rowan, whose terms expire 01/12/07 and 01/02/09, respectively.

There were no applicants; the positions will be readvertised.

- e. Telecommunications Advisory Board – one (1) vacancy due to the resignation of Neil D. Eisner, whose term expires 09/09/08.

There were no applicants; the position will be readvertised.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.a.3 – Exterior Painting of Mausoleum) A memorandum was provided. Mr. Ahnell explained that the City entered into an agreement with the mausoleum in 1971, whereby construction of mausoleum facilities was authorized and the City was to receive 15% of the gross sales and maintain the buildings in perpetuity. The current, updated agreement provides that the City still maintains the buildings in perpetuity and receives 16.5% of the gross receipts from the sales of crypts and niches. Responding to Council, Mr. Ahnell stated that the agreement needed to be reviewed again, and the City was in contact with the mausoleum corporation; a new agreement is anticipated within 90 to 120 days. He then provided additional information, as requested, related to operational costs, structural repairs, and ownership of the land.

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. No one came forward to speak.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the Consent Agenda minus Item No. 3.b.2., which was considered separately immediately after the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

a. Sealed Bids

- | | | |
|----|--|----------|
| 1) | Traffic Sign Restoration
Requested by Municipal Services
Transmark Inc. | \$43,248 |
| 2) | Sodium Hypochlorite Peristaltic Hose
Pumps-Replacement
Requested by Utility Services
Carter & VerPlanck, Inc. | \$43,989 |
| 3) | Exterior Painting of Mausoleum
Requested by Recreation Services
Roof Painting by Hartzell Inc. | \$91,392 |

b. Sealed Bids - Renewals

- | | | |
|----|---|----------|
| 1) | Janitorial Supplies-Renewal
Requested by City Wide
Dade Paper & Bag Company | \$78,000 |
|----|---|----------|

c. Intergovernmental Agreement

- | | | |
|----|--|----------|
| 1) | Rehabilitation of Lift Station #64
Requested by Utility Services
TLC Diversified, Inc. | \$71,906 |
|----|--|----------|

d. Sole Source

- | | | |
|----|---|----------|
| 1) | Portable Radios
Requested by Recreation Services
Motorola | \$57,392 |
|----|---|----------|

e. Resolution No. 63-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Chen and Associates Consulting Engineers, Inc. for the purpose of providing engineering services for the City's wastewater pump station transmission and collection system; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 64-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Easement Deed to Florida Power & Light, over certain lands at the Fire Support and Training Facility located on Banyan Trail; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 65-2006

A resolution of the City of Boca Raton canceling the second workshop and regular meetings in June 2006 and the first workshop and regular meetings in July 2006; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 66-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for grants from the Palm Beach County Department of Public Safety, Division of Emergency Management, Office of Emergency Medical Services, for the purchase of medical/rescue cardiac equipment for the Fire Rescue Services Department; 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

i. Receive and File Board Orders

- 1) Special Master
 - a) SM(C) Case No. 05-00003825
 - b) SM(C) Case No. 06-00000089
 - c) SM(C) Case No. 06-00000090
 - d) SM(C) Case No. 06-00000320

j. Receive and File Board Minutes – May 9, 2006

- 1) Community Appearance Board
March 28, 2006
April 4, 2006
April 11, 2006
- 2) Community Relations Board
January 9, 2006
March 20, 2006
- 3) Education Advisory Board
March 27, 2006
- 4) Financial Advisory Board
April 3, 2006
- 5) Historic Preservation Board
March 28, 2006
- 6) Parks and Recreation Board
February 7, 2006
- 7) Physically and Mentally Challenged
March 2, 2006
- 8) Police and Firefighters' Pension Board
February 23, 2006 (Regular Meeting)
February 27, 2006 (Special Meeting)
- 9) Special Master
March 22, 2006

3.b.2. Annual Traffic Calming, Sidewalk,
Drainage Improvements & Road
Construction-Renewal
Requested by Municipal Services
Weekley Asphalt Paving, Inc.
Florida Blacktop, Inc.

\$418,000

Deputy Mayor Whelchel mentioned that several projects had been combined in this one item and requested a breakdown of the costs. The City Manager stated that he did not have a breakdown of the specific project costs; however, he stated that 11 bus shelter pads were included in this figure as well. He added that, regarding Palmetto Park Terrace and the Estates section, this cost should cover all the traffic calming devices anticipated to be constructed in those neighborhoods. Responding to Council, Mr. Ahnell explained that neighborhood meetings were held with the residents; 18 traffic calming devices were proposed to be installed on various streets. Construction would be completed in approximately six to nine months. Additional information was provided as to the neighborhood meetings and the procedure involved in obtaining traffic calming devices.

John Saffer, a resident living on SW 9th Avenue, spoke in support of this item and asked when traffic calming construction would begin at Palmetto Park Terrace and Boca Square. Mr. Ahnell advised that the funding for the work would be approved tonight; construction would probably begin in 30 to 60 days. He reiterated that it would take approximately six to nine months to complete the entire project. Mr. Saffer expressed disappointment that the construction would not begin immediately and indicated that he did not understand why the project would take six to nine months to complete. Mr. Ahnell explained again the steps involved and stated that the contractor cannot close all the roads simultaneously to install 18 traffic calming devices.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to approve Consent Agenda Item No. 3.b.2. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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. 4934

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

Mayor Abrams clarified that this was not a public hearing in regard to any particular approvals being sought by any hotel, including the Boca Raton Hotel & Club. He advised that any comments made regarding the proposal by the Boca Raton Resort & Club, which is a quasi-judicial issue and is not the subject of this ordinance, would be out of order. He then provided an overview of the procedure to be followed.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, explaining that this ordinance would create a new section in the City Code, specifically, Section 28-1306, related to the conversion of hotel/motel units into residential units; this was the second of two required public hearings. He explained 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; details were provided. These impacts must be mitigated prior to conversion, which could be accomplished by requiring the proposed conversions to be reviewed by Council, pursuant to conditional use approval procedures.

Specifically, the ordinance provides for the following: it is applicable to hotels and motels in the R-4, R-5, and R-5A zoning districts; it is applicable to new and existing hotels and motels; and conversion from hotel and motel units to residential units would require conditional use approval from the City Council. He concluded his statements by advising that the Planning and Zoning Board reviewed this ordinance and unanimously recommended approval of same, as did staff.

Barbara Hall, representing the Boca Raton Resort & Club (BRRC), voiced support of the ordinance in regard to existing hotel units but voiced opposition to the ordinance in terms of new uses. She then spoke specifically to the BRRC's proposal and gave a slide show in regard to same. Mayor Abrams stated that, on the advice of Counsel, Ms. Hall was free to present anything she wished in the time allotted to her to speak. However, the issues being raised were outside the scope of this ordinance and would not be resolved tonight; Council would not take a position on any of the information Ms. Hall was presenting. Ms. Hall eventually concluded her slide show and voiced opposition to the ordinance.

Richard Egan encouraged Council not to amend the ordinance to make exceptions for approved, but as yet unconstructed, hotel rooms.

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

Responding to Council, the City Attorney provided information related to constitutionality of the proposed ordinance and vesting rights.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to adopt Ordinance No. 4934. 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:

5. Ordinance No. 4939

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Council Member Baronoff introduced the ordinance.

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 reminded those present of the upcoming charrette, scheduled for May 15, 2006 from 10:00 a.m. to 1:00 p.m. and May 16, 2006 from 3:00 p.m. to 6:00 p.m., which is being hosted by the Boca Raton Historical Society in order to discuss the proposed downtown pedestrian spine. Mr. Ahnell advised that staff would be in attendance.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

The Mayor and Council Members had nothing to report at this time.

ADJOURNMENT:

Motion was made by Council Member Baronoff, seconded by Council Member Hager, 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 6:55 p.m. on Tuesday, May 9, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk