

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JANUARY 24, 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:

Deputy Mayor Whelchel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Bill Hager
Council Member Susan Haynie

Also attending the meeting were:

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

AMENDMENTS TO THE AGENDA:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 13-2006 to the Consent Agenda and to add Ordinance Nos. 4921 and 4922 under Part V – Introduction of Ordinances. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of January 9, 2006
Minutes of the Regular Meeting of January 10, 2006

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation: Dial 2-1-1 Week / February 5 – February 11, 2006

Mayor Abrams presented the proclamation to Meredith Hughes, on behalf of the City of Boca Raton.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment & Appeals – one (1) vacancy for an electrical contractor, term to expire 02/15/09.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint George A. Horton to the Builders' Board of Adjustment & Appeals as an electrical contractor. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Mr. Horton was appointed to the Board.

- b. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies, one for a term to expire 01/12/09, and one (1) to complete a term that will expire 1/12/07.

There were no applicants.

- c. Community Relations Board – one (1) vacancy for a former student position, term to expire 07/25/07.

There were no applicants.

PUBLIC REQUESTS (Boca Raton Resort & Club):

(The agenda was reordered to provide the public an opportunity to speak, for informational purposes only, regarding a proposed petition from the Boca Raton Resort & Club; this petition was not listed as an item on the agenda, nor has this quasi-judicial matter been scheduled for public hearing at this time.)

Richard Egan, speaking on behalf of the Coalition to Preserve Camino Real, advised of his group's opposition to the Resort's condominium proposal. He then tendered a public records request to Council regarding communications and correspondence received by the City as they relate to the Resort's condominium proposal.

2. Responses to Workshop Information Requests:

The City Manager indicated that responses to questions from yesterday's workshop would be provided to Council in letter form at a later date.

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 Council Member Hager, seconded by Council Member Baronoff, to approve the Consent Agenda as amended, minus Item No. 3.b.2., City Wide Disaster Recovery Services and 3.f., Resolution No. 13-2006, which was considered separately under "Part VII – Resolutions and Other Business." Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

a. Intergovernmental Agreements

- 1) Shade Pavilions at Dog Park (New)
Requested by Recreation Services
Hunter-Knepshield Company Inc. \$28,806

2)	Patch Reef Park Athletic Field & Court Lighting-Replacement Requested by Recreation Services Musco Sports Lighting, LLC	\$1,316,706
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b. Emergency – Hurricane Wilma (Phase III)

1)	Disaster Debris Monitoring Services Requested by Municipal Services R.W. Beck, Inc.	\$2,000,000
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3)	Security Guard Service at Fire Station #5 Requested by Municipal Services Navarro Security Group	\$40,000
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4)	Re-Roofing Police Station Requested by Municipal Services Weiss & Woolrich Southern Enterprises, Inc.	\$535,475
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c. Resolution No. 12-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for two grants from the State of Florida, Department of Community Affairs for the Emergency Management Preparedness and Assistance Trust Fund Grant Program for the purpose of hardening the Utility Services Emergency Command Center and to purchase fixed generators to power critical pumps needed to maintain water and wastewater services during widespread power outages; authorizing the acceptance of said grants, if awarded; authorizing the expenditure of matching funds for said grants, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

d. Board Resignation

1)	Resignation of Nancy Sneider from the Community Relations Board
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e. Receive and File Board Minutes – January 24, 2006

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| 1) | Community Appearance Board
December 13, 2005
December 20, 2005
January 3, 2006 |
| 2) | Downtown Visions Committee
October 19, 2005 |
| 3) | Marine Advisory Board
November 16, 2005 |
| 4) | North Federal Highway Steering Committee
December 6, 2005 |
| 5) | Parks and Recreation Board
December 6, 2005 |

- 6) Physically and Mentally Challenged Advisory Board
December 1, 2005
- 7) Planning and Zoning Board
November 17, 2005
December 8, 2005
- 8) Telecommunications Advisory Board
November 14, 2005

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. Ordinance No. 4916 (*Requires four votes for adoption.*)

An ordinance of the City of Boca Raton amending Exhibit A of Ordinance No. 4859 of the City of Boca Raton which consisted of an amendment to the Future Land Use Map of the Comprehensive Plan that redesignated certain property located at 1601 Clint Moore Road as more specifically described herein, from Light Industrial to Commercial; providing for severability; providing for repealer; providing an effective date (UC-04-10R2/SC)

a. Resolution No. 9-2006

A resolution of the City of Boca Raton amending Resolution No. 58-2005 which granted conditional use approval for laboratories for analysis and research on a parcel of land located at 1601 Clint Moore Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (UC-04-10R2/CA)

Mayor Abrams advised that quasi-judicial procedure would be followed; the City Clerk administered the oath to those who indicated they wished to speak on this petition. Under ex parte disclosures, Council Members Baronoff, Hager and Haynie advised that they spoke with Richard Brooks. Mayor Abrams advised that he previously submitted his disclosures to the City Manager's Office.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, advising that the petitioner was requesting an increase in square footage of the existing building. Location, acreage, zoning, and land use designation were provided. Ms. Simon then reviewed the original universal conditional approval, obtained in April 2005, and provided information regarding minor modifications to the original approval; approval of those modifications was received from the Planning and Zoning Board in August 2005.

Currently, the petitioner proposed to construct a 7,000 square foot mezzanine within the existing building to be used for supplementary medical office use. In addition, adjustments to the parking areas were made and include pedestrian improvements leading to the building, a new trash enclosure, a handicapped ramp in the rear of the building, and incorporation of reserved and bicycle parking. Should the increase in square footage be approved, the size of the building will increase from 69,500 square feet to 76,500 square feet; the biomedical research portion of the building will remain unchanged. Regarding parking, 411 spaces are required; 430 spaces are provided. Ms. Simon also reported on an overall projected increase of 264 daily trips, with increases in both morning and afternoon peak hour trips; however, the Palm Beach County Traffic Engineer determined that the proposed increase meets concurrency requirements. Ms. Simon concluded her presentation by stating that the Planning and Zoning Board reviewed this petition and recommended approval, as did staff.

Richard Brooks, the petitioner, explained that the project is under construction; details were provided. He requested that certain conditions of approval, found in both the resolution and the ordinance, which read, "Prior to the issuance of a building permit...", should be changed to read, "Prior to the issuance of the certificate of occupancy..." in any and all instances, since the building permit had already been obtained. He also asked that the condition requiring the right turn lane be waived, saying that there were more than enough points of ingress and egress off Clint Moore Road now; Clint Moore is also a County road, not a City road.

Dr. Nathan Nachlas spoke in support of the project.

At the request of Council, Municipal Services Director Robert DiChristopher explained that City Code requires a right turn lane any time peak hour turn movement exceeds 40 per hour; the traffic analysis provided by Kimley-Horn identified approximately 51 right turns during peak hours and that triggered the code requirement. A request for a technical deviation would be required, which was not submitted with this petition; however, staff did not support the technical deviation that was applied for in the original approval obtained in April 2005, as it did not meet the criteria for a technical deviation. Responding to Council, Mr. DiChristopher advised that, while Clint Moore Road is a County road, the City controls the road via local home rule and the City Code requirements are always applied. He then answered additional questions from Council.

Lauren Bursett, representing Kimley-Horn, responded to queries from Council and stated that capacity operations at the intersection of Broken Sound and Clint Moore Road were reviewed in the analysis; they found that the intersection worked satisfactorily without a right turn lane. Therefore, based on Florida Department of Transportation (FDOT) standards, construction of a right turn lane was not necessary. He advised that a memo outlining same was submitted the City's Traffic Engineer.

Council confirmed with Mr. DiChristopher that, notwithstanding the additional information provided, City staff recommended that the right turn lane remain in the approval.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4916. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 9-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4915

An ordinance of the City of Boca Raton amending Section 10-116, Code of Ordinances, to revise the definition of inoperable motor vehicle to include motor vehicles with license plates and vehicle registration which were issued for another motor vehicle; providing for severability; providing for repealer; providing for codification; providing an effective date

Officer Michael Quinn from Police Services gave the presentation. He explained that the existing definition allows an officer to cite the property owner only if the derelict vehicle does not have affixed a current license plate and registration. It does not address the practice of affixing a valid license plate from another vehicle to a derelict vehicle. This amendment would close a loophole and give the responding officer one more tool in their crime prevention efforts.

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4915. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

6. Ordinance No. 4917

An ordinance of the City of Boca Raton establishing the Elder Affairs Advisory Board; providing for the membership, appointment, term, quorum, compensation, powers and duties of the Board; providing for severability; providing for repealer; providing for codification; providing an effective date

Assistant City Manager George Brown gave the presentation. He explained that establishment of this Board would provide a forum in which City residents 50 years of age and over may state views and concerns regarding their health, safety, and welfare. It would provide a clearinghouse for information pertinent to the needs and interests of City residents 50 years of age and over. It would allow for the organization and coordination of activities, programs, workshops and other events that enhance the health and well-being of residents 50 years of age and over, and Board members could develop and offer recommendations to the Council that support elders and their needs, with the understanding that this Board would function in an advisory capacity only and all recommendations to Council would be made via the City Manager.

Jay Robert Gordon 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 Hager, seconded by Council Member Haynie, to adopt Ordinance No. 4917. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

7. Ordinance No. 4918

An ordinance of the City of Boca Raton amending Section 2-26, Code of Ordinances, to increase the salary of members of the City Council; providing for submission of the proposed salary increases to the electors of the City at the regular election to be held on March 14, 2006; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney gave a brief presentation. She advised that, per the City Charter, the request for a salary increase for the Mayor and Council must go before the voters. Should the referendum question, which is included in the ordinance, be approved, it would take effect upon adoption by the electorate.

David Siegel, Ed West, Jason Mankoff, Anthony Cutaia, and Rick Coffin voiced support of the ordinance. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4918. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

8. Ordinance No. 4919

An ordinance of the City of Boca Raton proposing an amendment to the City Charter extending the length of the terms for the Mayor and City Council Members and reducing the maximum number of permitted consecutive terms; extending the terms of Council Members due to expire in March 2007 by one additional year; providing for submission of the proposed charter amendment to the electors of the City at the regular election on March 14, 2006; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney gave the presentation. She explained that this ordinance would accomplish three primary issues: 1) the terms of office for the Mayor and Council Members would be extended from two-year terms to three-year terms, 2) the number of consecutive terms the Mayor and Council Members may serve will be reduced from three 2-year terms, to two 3-year terms; the total years that may be served consecutively remain at six, and 3) the current terms of office for the Mayor and the two Council Members

due to expire on March 30, 2007 will be extended one year to March 30, 2008. Ms. Frieser added that a technical issue would also be addressed, specifically, that filling a vacancy on the Council would not constitute a term for the purpose of term limits. If the ordinance is approved, this question would go before the voters. If the referendum question is approved, it would take effect upon adoption by the electorate.

David Siegel and Jason Mankoff voiced support of the ordinance.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt Ordinance No. 4919. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, 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:

9. Ordinance No. 4921

An ordinance of the City of Boca Raton, Florida (the "City"), authorizing the issuance of not exceeding \$26,500,000 taxable revenue refunding bonds, in one or more series, to pay and defease all or a portion of the outstanding principal amount of the City's General Obligation Bonds, Series 2000 and the outstanding principal amount of the City's General Obligation Refunding Bonds, Series 2004; providing the form and terms of the bonds; providing for the payment of the bonds from the City's covenant to budget and appropriate legally available non-ad valorem revenues; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

10. 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

The ordinance was introduced by Council Member Hager.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.b.2. City Wide Disaster Recovery Services

Requested by Municipal Services

Ashbritt, Inc.

\$20,000,000

Deputy Mayor Whelchel commented on the sizable amount of the bill and questioned whether a contract with Ashbritt was in place prior to the hurricane. The City Manager explained that a contract has been in place for a number of years in the event of a natural disaster. He advised that the same contractor was used last year for Hurricanes Frances and Jeanne; this year, Ashbritt was also used for cleanup after Hurricane Wilma, which, to date, is the largest debris collection yet experienced by the City.

Ms. Whelchel asked how the City could know the amount of debris that is collected and whether the City was being billed appropriately. Mr. Ahnell explained the process required for debris collection. A separate company is hired to monitor the debris collected; essentially, they follow the debris trucks out in the field. He noted that, before the trucks begin collection, they are weighed, measured for size (hauling capacity), and tagged. After collection, the debris is dumped at a specific site. The trucks are checked in and inspected to ensure that they are at full capacity; they then dump their loads. At the exit, there's another "checkpoint" where another independent contractor ensures that the truck is empty. The trucks then go out into the field again. Mr. Ahnell referred to the Federal Emergency Management Agency (FEMA) reimbursement procedures and explained that this system was established to guarantee that no one is cheating the system.

Responding to Ms. Whelchel, Mr. Ahnell advised that all documentation regarding debris collection is provided to FEMA. Before the City gets reimbursement, FEMA does an audit to make sure the amounts presented are reasonable. He added that close to 700,000 cubic yards of debris was collected, which required grinders to turn the debris into mulch; three tub grinders worked 24/7 for approximately 45 to 50 days.

Mr. Hager questioned why the bill was an even \$20 million. Mr. Ahnell stated that the amount would be slightly less, but \$20 million was the cap that was set. He explained that the company had completed this work some time ago. They prepaid the costs involved and have been awaiting payment.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the procurement recommendation regarding City Wide Disaster Recovery Services awarded to Ashbritt, Inc. in the amount of \$20 million. Motion carried unanimously; Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

3.f. Resolution No. 13-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a collaboration agreement with Florida Atlantic University for the purpose of planning and developing the Center for Disaster and Emergency Healthcare at the International Center for Leadership and Development, located at 6500 Congress Avenue; providing for severability; providing for repealer; providing an effective date

Mayor Abrams advised that his wife is currently employed by a company mentioned in the attachment to the agreement; consequently, he recused himself from the vote.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 13-2006. Motion carried 4-0; Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Causeway Lumber site (a/k/a Glades Rox transaction)

Mr. Ahnell reported that the City had closed on the Causeway Lumber site; there were no challenges. Demolition of the existing structures will proceed, the property will be fenced off, and design of the new downtown library will begin.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

(Council Members Hager and Baronoff left the meeting prior to this portion of the agenda.)

Deputy Mayor Whelchel reported that Boca Raton Educational Television (BRET) was having its annual fundraiser; Ed McMahon would be participating and tickets are being sold. She asked that the Mayor and Council Members support this program, which they did.

Council Member Haynie invited her colleagues to the general membership meeting of the League of Cities at Sugar Sand Park at 10:30 a.m. She then advised that on Thursday and Friday, she would be attending the Elected Officials' Design Institute for a planning exercise at the Center of Urban and Environmental Solutions at the Abacoa campus of Florida Atlantic University; her project focuses on East Palmetto Park Road. At this point, Ms. Haynie also asked the City Manager why a large, white fence has been erected in the unimproved part of the cemetery; Mr. Ahnell is to follow up.

Last of all, the City Attorney was asked for an update on the Fire-Rescue dispatch litigation against the County. Ms. Frieser explained that approximately six more cities have been allowed to intervene/join Boca Raton in the lawsuit against the County. In addition, the City received authorization to include the subsequent years in terms of the tax issues. Ms. Frieser reported that the County waived the obligation to renew the 164 hearing; consequently, the City has filed the complaints with the court, which are pending and should be answered by the County shortly.

Mayor Abrams advised that the Broward County Commission voted unanimously today to participate in the university consortium piece of the Scripps project if the Boca Raton proposal is accepted.

ADJOURNMENT:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel and Council Member Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:18 p.m. on Tuesday, January 24, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk