

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 26, 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 Hager 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:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to remove Consent Agenda Item No. 3.a.2.; to revise Consent Agenda Item Nos. 3.i. and 3.o. (Resolution Nos. 157-2006 and 160-2006, respectively); and to add Resolution No. 162-2006 to the Consent Agenda as Item No. 3.r. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of September 11, 2006
Minutes of the Special Meeting of September 11, 2006
Minutes of the Regular Meeting of September 12, 2006

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

Proclamation: National Red Ribbon Celebration – October 23 through 31, 2006

Mayor Abrams presented the proclamation to Police Chief Dan Alexander, who accepted same on behalf of the Police Services Department.

Utility Services “Play and Win” Contest Winners

Contest winners Ann Marie Fix and Martha Lodes each received a \$100 American Express gift certificate presented by Utility Services Director Chris Helfrich.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Elder Affairs Advisory Board – one (1) vacancy due to resignation of Wilma Greenfield, whose term expires 2/14/09.

Will Mercier expressed interest in serving on the Board.

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to appoint Will Mercier to the Elder Affairs Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Mercier was appointed to the Board.

- b. General Employees Pension Board – one (1) vacancy due to resignation of Robert J. Daniels, whose term expires 03/29/08.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Nicole Gasparri to the General Employees Pension Board to complete the term that expires 03/29/08. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Gasparri was appointed to the Board.

- c. Pearl City Blue Ribbon Committee – one (1) vacancy due to resignation of Warren Adams (at large member), whose term expires 01/23/07.

There were no applicants; the position will be readvertised.

2. Responses to Workshop Information Requests:

All responses were provided at yesterday's workshop meeting.

Mayor Abrams advised that the "Public Request" portion of the agenda would be opened at this time for those citizens who had small children with them and needed to leave early.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Nancy Oakland advised that her home was adjacent to a section of road that had been narrowed in an effort to provide traffic calming and voiced opposition to same, citing visibility problems due to the overgrowth next to her driveway, inability of cars to appropriately navigate the narrowing, and noise and vibrations due to cars hitting the curbing. She also indicated that staff had not responded to her concerns either timely or to her satisfaction and provided pictures of the area in question. Mayor Abrams advised that the City Manager would be in contact with Ms. Oakland regarding this issue.

Holly Brandt-Sosa also voiced opposition to the road narrowing located near her home and asked that it be removed.

Responding to Council, Mr. Ahnell advised that several members of staff had been in contact with Ms. Oakland and, in fact, staff conducted seismic readings on Ms. Oakland's property in response to her allegation that the noise and vibrations due to the road narrowing had created cracks in the foundation of her home. He stated that he would provide Council with the information obtained by staff to 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 Baronoff, seconded by Deputy Mayor Whelchel, to approve the Consent Agenda as revised and amended, minus Item No. 3.h. (Resolution No. 150-2006), which was considered separately under Part VII – “Resolutions and Other Business.” Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

a. Sealed Bid FY 05/06

- | | | |
|----|--|-----------|
| 1) | Ballfield Dugout Replacement at Meadows & Memorial Park(s)
Requested by Recreation Services
McCabe Brothers Construction Corp. | \$375,600 |
|----|--|-----------|

b. Sealed Bid FY 06/07

- | | | |
|----|---|----------|
| 1) | Landscape Maintenance Services for the Cemetery & Mausoleums
Requested by Recreation Services
Custom Care, Inc. | \$30,720 |
| 2) | Lighting Repair & Maintenance for Recreation Sports & Park Facilities
Requested by Recreation Services
Lectra Living Inc., & Imperial Electrical Inc. | \$95,563 |

c. Intergovernmental Agreement FY05/06

- | | | |
|----|--|-----------|
| 1) | Furniture (Replacement – City Clerk’s Office)
Requested by Municipal Services
Workscapes South LLC | \$41,522 |
| 2) | Audio Visual Classroom Equipment (6500 Building)
Requested by Police Services
Audio Visual Innovations | \$56,824 |
| 3) | Video Surveillance System
Requested by Police Services
Diamond Quest | \$50,000 |
| 4) | Gym Equipment
Requested by Police Services
Free Motion Fitness, &
M-F Athletic Company | \$69,752 |
| 5) | Shade Pavilions (New & Replacements)
Requested by Recreation Services
Superior Park Systems Inc. | \$384,458 |
| 6) | Furniture (New)
Requested by Police Services
Workscapes South LLC | \$160,000 |

- d. Intergovernmental Agreement FY 06/07
- 1) Laboratory Supplies
Requested by Utility Services
Fisher Scientific Company \$38,000
 - 2) Fire Rescue Services Trousers
Requested by Fire Rescue Services
Harrison Uniforms \$40,000
 - 3) Water Meter Fittings & Water
Line Accessories
Requested by Utility Services
Ferguson Enterprises, Inc. \$50,000
 - 4) Tire Services
Requested by Municipal Services
Pride Enterprises \$72,000
 - 5) Lift Station Pumps
Requested by Utility Services
Florida Bearings, Inc. \$85,000
 - 6) Tires & Tubes
Requested by Municipal Services
Fire Rescue Services
Boca Raton Tire Center Inc., & Tire
Soles of Broward \$245,000
 - 7) Corrosion & Odor Control Products
Requested by Utility Services
U.S. Filter/Davis Process \$383,500
 - 8) Office Supplies
Requested by City Wide
Office Depot \$450,000
 - 9) Gasoline & Diesel Fuel
Requested by Municipal Services
Utility Services
BV Oil Company \$1,700,000
- e. Sole Source FY 06/07
- 1) Fire Apparatus Repair Parts
Requested by Fire Rescue Services
Sutphen Corporation \$25,000
 - 2) Medical Supplies & Pharmaceutical
Restocking
Requested by Fire Rescue Services
Boca Raton Community Hospital \$30,000

3)	Fuel for Police Boats Requested by Municipal Services Cove Marina, Inc., & Delray Harbor Club Marina	\$30,000
4)	Original Equipment Manufacturer (OEM) Parts & Factory Authorized Repairs for International Trucks Requested by Municipal Services Fire Rescue Services Rechtien International Trucks, & Cummings Brothers Truck Repairs	\$34,000
5)	Original Equipment Manufacturer (OEM) Petersen Parts & Services Requested by Municipal Services Petersen Industries Inc., & Clark Waste Systems Inc.	\$40,000
6)	Building Automation System Maintenance Requested by Municipal Services Johnson Controls, Inc.	\$42,940
7)	Original Equipment Manufacturer (OEM) for GS Recycling Truck Bodies & Crane Carrier Trucks Requested by Municipal Services Container Systems & Equipment	\$50,000
8)	Lift Station Pump Repairs Requested by Utility Services Florida Bearings, Inc.	\$70,000
9)	Original Equipment Manufacturer (OEM) Parts & Service for Leach Sanitation Packers and Labrie Recycling Trucks Requested by Municipal Services Clark Waste System Inc.	\$80,000
10)	Security Management System Services Requested by Municipal Services Johnson Controls, Inc.	\$106,788
11)	Original Equipment Manufacturer (OEM) Parts & Factory Authorized Repairs for Mack Truck Refuse Packers Requested by Municipal Services Nextran Truck Center	\$130,000
12)	Original Equipment Manufacturer (OEM) Parts & Service for Sterling & Freightliner Trucks Requested by Municipal Services Fire Rescue Services Atlantic Truck Center	\$142,000

- 13) Software Maintenance for Police
Public Safety System
Requested by City Manager
Sungard H.T.E., Inc. \$197,869
- 14) Motorola Radio System Maintenance
Requested by Police Services
Motorola \$225,106
- 15) Water Meters & Parts
Requested by Utility Services
Badger Meter, Inc. \$400,000

f. Waiver of Procurement Procedures FY 06/07

- 1) Excess Insurance
Requested by Financial Services
Arthur J. Gallagher & Co./State
National Insurance Company \$195,000

g. Resolution No. 149-2006

A resolution of the City of Boca Raton approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County, for certain roadways located within the limits of the annexation area of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 154-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Greenhorne & O'Mara, Inc., for the purpose of consulting services for Countess de Hoernle Park; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 155-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Greenhorne & O'Mara, Inc. for the purpose of consulting services for Countess de Hoernle Park; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 156-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the State of Florida and the Federal Emergency Management Agency for the Hazard Mitigation Grant Program; 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

l. Resolution No. 157-2006 (Revised)

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Country Club Maintenance Association, Inc. for the purpose of providing compensation for the reconstruction of an irrigation system and replacement of sod damaged during the Yamato Road widening project; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 158-2006

A resolution of the City of Boca Raton updating the pay grade schedule for all employees not included in a certified bargaining unit for Fiscal Year 2006-2007; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 159-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 6 with Eckler Engineering, Inc. for the purpose of providing engineering services relating to expanding and rehabilitating the reclaimed water system; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 160-2006 (Revised)

A resolution of the City of Boca Raton authorizing the City Manager to adopt a revised Executive Benefit Plan for the purpose of updating benefits for the City's executive employees; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 161-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Kaufman Lynn, Inc., General Contractors for the purpose of amending the Guaranteed Maximum Price (GMP) and the scope of work for the Police/Fire Training Facility (ICLAD) located at 6500 Congress Avenue; providing for severability; providing for repealer; providing an effective date

q. Receive and File Board Minutes – September 26, 2006

- 1) Citizen's Pedestrian and Bikeway Advisory Board
June 12, 2006
- 2) Community Appearance Board
August 22, 2006
- 3) Downtown Visions Committee
June 14, 2006
June 28, 2006
- 4) Elder Affairs Advisory Board
August 2, 2006
- 5) General Employees' Pension Board
June 2, 2006 (Workshop Training Meeting)
June 8, 2006 (Regular Meeting)
June 20, 2006 (Joint Administrative Committee General Employees'
and Police & Firefighters' Pension Boards)

- 6) Library Advisory Board
July 12, 2006
- 7) Marine Advisory Board
June 7, 2006
- 8) Parks and Recreation Board
August 8, 2006
- 9) Planning and Zoning Board
July 20, 2006
August 3, 2006
- 10) Police & Firefighters' Pension Board
July 27, 2006

3.r. Resolution No. 162-2006

A resolution of the City of Boca Raton repealing Resolution No. 38-2006; and reauthorizing the Mayor and City Clerk to apply for a grant from the Florida Department of State, Division of Library and Information Services for construction of a Downtown Library; 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

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

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

4. Resolution No. 148-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Addison Park subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-06-03)

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

5. Ordinance No. 4941

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as more specifically described herein, from Light Industrial (IL) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

6. Ordinance No. 4940 (Quasi-judicial)

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as described more particularly herein, from Light Industrial Research Park (LIRP) to Multi-Family (R-3); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

7. Resolution No. 129-2006 (Quasi-judicial)

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to Boca Technology Center, a Development of Regional Impact, and constituting this resolution as an amendment to the original Development Order by the City of Boca Raton in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 4948

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Lake Easement, located within Parcel 2, Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment, providing for severability; providing for repealer; providing an effective date (EA-05-05)

9. Resolution No. 130-2006 (Quasi-judicial)

A resolution of the City of Boca Raton granting Planned Unit Development Master Plan approval of the proposed Blue Lake Residential Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-05-02)

10. Resolution No. 131-2006 (Quasi-judicial)

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Blue Lake Residential Planned Unit Development plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-05-02)

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

Development Services Senior Planner Jim Bell gave the PowerPoint presentation on the above ordinances and resolutions. Acreage and location was provided, and the Notice Of Proposed Change (NOPC) request for the Boca Technology Center (BTC) Development of Regional Impact (DRI) was reviewed, which would decrease the allowable office/industrial component of 600,000 square feet from 1,400,000 square feet to 800,000 square feet, permit development of 172 residential units on a 23-acre parcel, and extend the buildout date from November 30, 2006 to November 30, 2008. The current and proposed land use and zoning designations were then outlined, as was the proposed site plan, which included 140 townhomes and 32 single-family homes; details were provided. As part of the approval, the petitioner would construct improvements to Broken Sound Boulevard from their property line up to Yamato Road, as well as a vehicular roundabout at Telecom Drive. Mr. Bell noted that a net decrease of 2,675 daily traffic trips was expected and then spoke to the three preserve areas (one County and two private), located adjacent to the proposed development, advising that a six-foot wall would be constructed for mitigation purposes. Amenities, parking spaces, open space, and the lake easement abandonment were then outlined as well.

The petitions were reviewed by the Environmental Advisory Board, the Palm Beach County Environmental Resources Board, and the Planning and Zoning Board; details were provided. Mr. Bell advised that all conditions from the Advisory Boards and local agency reviews were included in the approval.

The transmittal hearing for this project was held June 13, 2006. At that hearing, the applicant volunteered to contribute \$3 million to be used by the City to support workforce housing efforts. Another \$1 million contribution consisted of: \$500,000 for off-site lakefront easement improvements; \$451,000 (minimum) for improvements within the on-site lakefront easement; and \$49,000 for the City's median beautification fund. All the aforementioned items were included as conditions of approval in the proposed ordinance. Mr. Bell provided closing comments and concluded his presentation by advising that staff recommended approval of the Future Land Use Map amendment and the associated requests.

Responding to Council, the City Attorney referred to Ordinance No. 4941, Page 8, Condition 35, and clarified the information related to the \$3 million contribution for workforce housing, as did the City Manager.

Dennis O'Shea, representing the Stiles Corporation, advised that they appreciated this opportunity and agreed to honor the conditions and obligations contained in the development approvals.

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

Responding to Council, the City Manager and the City Attorney provided additional information related to the workforce housing fee and what was discussed in prior meetings, as well as clarification of the separate \$1 million contribution.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4941.

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to amend Ordinance No. 4941, Page 8, Condition 35, Line 26, to delete the following language: "In the event the City adopts a mandatory workforce housing fee prior to completion of the project that, if applied to this project, would result in a smaller fee, then the voluntarily proffered fee shall be proportionately reduced and applied to any remaining units (but in no event shall any refund be due and payable)." Motion failed 2 – 3; Council Members Arts and Baronoff voting yes. Mayor Abrams, Deputy Mayor Whelchel, and Council Member Hager voting no.

Much conversation ensued related to the workforce housing fee, prior Council discussions and the understanding(s) reached by the Mayor and Council regarding same.

Mr. O'Shea referred to the events that transpired at the transmittal hearing of June 13, 2006 and advised that whatever was established at that time is what they felt should be applied to their situation.

The vote on the main motion to adopt Ordinance No. 4941, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4940. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 129-2006. 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 Baronoff, to adopt Ordinance No. 4948. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Baronoff, seconded by Council Member Arts, to adopt Resolution No. 130-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 131-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

11. Ordinance No. 4959

An ordinance of the City of Boca Raton delegating certain responsibilities to the County Supervisor of Elections, unless the Canvassing Board chooses to retain those responsibilities; allowing for extended hours of operation of polling places; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney advised that this was a housekeeping item. The ordinance would delegate certain responsibilities, such as canvassing and technical testing of voting equipment, to the Supervisor of Elections and eliminate the need for the Canvassing Board to meet annually solely for the purpose of delegating these responsibilities. At the same time, the ordinance allows the Canvassing Board to retain these responsibilities at any time the members would desire to do so.

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 Arts, to adopt Ordinance No. 4959. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

12. Resolution No. 145-2006

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

The City's Treasurer, Carol Himes, gave the PowerPoint presentation, which delineated proposed revisions to the City's User Fee Schedule. If approved, these fees would be effective October 1, 2006. Ms. Himes provided details related to recommended fees as requested by Development Services, Police Services, Fire-Rescue Services, Recreation Services, and Utility Services.

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

Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Resolution No. 145-2006.

The City Manager referred to a memo, dated September 26, 2006, from Recreation Services Director Mickey Gomez, regarding Library User Fees. He confirmed with Council that non-residents can use all library services with the exception of checking out books. There followed a comparison of non-resident library card charges over the years and the number of non-resident cards issued over those years as well. Throughout his report, Mr. Ahnell provided additional information to Council as requested.

Mr. Ahnell advised that the annual cost to City residents of providing library services is approximately \$161 per household, which is paid through ad valorem City taxes. He noted that should a non-resident choose to purchase a library card for \$150, that person would then have access to all the same services that City residents receive. Mayor Abrams suggested that Council might wish to review the fee currently being charged for non-resident families. Mr. Ahnell provided additional information to Council as requested. He then gave details regarding charges for holds and video/DVD rentals.

Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Resolution No. 145-2006.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to amend Resolution No. 145-2006 to reflect an annual library card fee of \$100 for non-resident individuals and an annual library card fee of \$175 for non-resident families. Motion carried unanimously on a voice vote; 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 amend Resolution No. 145-2006 to eliminate the 25-cent reserve book fee. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Motion was made by Mayor Abrams, seconded by Council Member Arts, to amend Resolution No. 145-2006 to eliminate the Internet access charge. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

The vote on the main motion to adopt Resolution No. 145-2006 as amended 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:

13. Ordinance No. 4960

An ordinance of the City of Boca Raton relating to the Zoning Board of Adjustment; amending Section 28-131(c)(3), Code of Ordinances, to provide that notices to property owners be sent by first class mail rather than certified mail; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Arts.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS: (Continued)

Adam Galicki advised that his neighborhood was recently annexed into the City. He then referred to a hedge height dispute with his neighbor, stating that County standards allowed an 8-foot hedge while City standards limited hedges to 6 feet. He advocated using the City standard, which is applied throughout the City of Boca Raton, in his annexed area as well. Mr. Ahnell explained that timing was involved in this situation. People in the annexed areas were informed that there would be a transition period, once the annexation was approved, during which time City staff would address the issue of working with the many County codes to provide consistency with City Code. This is a lengthy process; Mr. Ahnell indicated that Code standardization for the annexed areas is expected in approximately a year.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.h. Resolution No. 150-2006

A resolution of the City of Boca Raton to extend the terms of appointment for the membership of the Downtown Visions Committee; providing for severability; providing for repealer; providing an effective date

Council Member Baronoff referred to the amount of work facing the CRA and Committee members related to the proposed pedestrian spine/plaza and advocated providing an opportunity for current Committee members to reapply and interested members of the public to apply as well; he suggested that applications be accepted over the next 60 days.

The City Attorney referred to Page 2, Line 2 of the resolution, and suggested amending same to extend the terms of the members to November 30, 2006 instead of September 30, 2006 to allow for noticing of the positions and an opportunity for Council to visit any other issues over that period of time.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt Resolution No. 150-2006 as amended. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

14. Annual Executive Performance Evaluation

Individually, the Mayor and each Council Member provided positive commentary on Mr. Ahnell's abilities and job performance.

Motion was made by Council Member Hager, seconded by Mayor Abrams, to increase the City Manager's salary by 7%. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

CITY ATTORNEY REPORTS:

15. Annual Executive Performance Evaluation

Individually, the Mayor and each Council Member provided positive commentary on Ms. Frieser's abilities and job performance.

Motion was made by Mayor Abrams, seconded by Council Member Hager, to increase the City Attorney's salary by 7%. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel suggested that Council review the policy regarding the (Light Industrial Research Park) LIRP zoning district. She then referred to an email she received from the Rotary Club, as part of a massive emailing, which contained erroneous information related to the library fees, and asked the City Manager to speak with the Presidents of the local chapters of the Rotary Clubs in order to get the correct information out to the public. Mr. Ahnell is to compose an official response. It was also noted that Council Member Arts would be attending a Rotary Club meeting tomorrow and could provide the Rotarians with correct information, thereby refuting that which was presented in the email.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, 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 8:28 p.m. on Tuesday, September 26, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk