

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 26, 2008
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 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 Hagerty

AMENDMENTS TO THE AGENDA:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 31-2008 to the Consent Agenda as Item No. 3.h. and to add Resolution No. 32-2008 under, "Part VII – Resolutions and Other Business," as Item No. 4.a.. 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 February 11, 2008
Minutes of the Regular Meeting of February 12, 2008 (Revised 2/21/08)

Motion was made by Council Member Arts, seconded by Council Member Whelchel, to approve the minutes of the Workshop Meeting of February 11, 2008, as presented and the minutes of the Regular Meeting of February 12, 2008, as revised. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

American Red Cross Month – March 2008

The proclamation was accepted by Lizzette Gamero, Community Services Coordinator for the Red Cross in South County.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies.

There were no applicants.

- b. Code Enforcement Board – one (1) vacancy.

There were no applicants.

- c. Elder Affairs Advisory Board – one (1) vacancy.

There were no applicants.

- d. Marine Advisory Board – three (3) vacancies.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to appoint Blaine Dickenson and Garry O'Donnell to the Marine Advisory Board in the positions of Recreational Boater for the terms expiring 3/20/2011 and 3/20/2010, respectively. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Dickenson and Mr. O'Donnell were appointed to the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to reappoint Gene Folden to the Marine Advisory Board in the position of Single Family Resident Adjacent to an Inland Waterway for the term expiring 3/20/2011. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Folden was reappointed to the Board.

- e. Pearl City Blue Ribbon Committee – one (1) vacancy.

There were no applicants.

- f. Special Master – two (2) vacancies.

Michael Gelfand expressed interest in being reappointed.

Motion was made by Council Member Arts, seconded by Council Member Hager, to reappoint Cormac C. Conahan and Michael J. Gelfand as Special Masters, terms to expire 3/21/2010. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Conahan and Mr. Gelfand were reappointed as Special Masters.

2. Responses to Workshop Information Requests:

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

3. Consent Agenda:

Mayor Abrams provided an opportunity for anyone from the public to comment on the Consent Agenda; no one came forward to speak.

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

a. Sealed Bids

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1) | Advance Traffic Management System Implementation:
CCTV Expansion
Requested by Municipal Services
Precision Contracting Services, Inc. | \$443,300 |
| 2) | Submersible Well Pump Motors - Replacement
Requested by Utility Services
Condo Electric Industrial Supply, Inc. | \$86,304 |

b. Resolution No. 27-2008

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Camino Gardens Association, Inc., over certain lands located at Camino Gardens Boulevard; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 28-2008

A resolution of the City of Boca Raton supporting the proposed "County Initiated Future Land Use Amendment, (LGA 2008-020), for City owned property currently occupied by the Tri-County Humane Society, located in unincorporated Palm Beach County at 21287 Boca Rio Road"; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 29-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute a Second Amendment to an Agreement with the State of Florida, Department of Environmental Protection for the purpose of extending the current contract for the El Rio Shared Use Trail; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 30-2008

A resolution of the City of Boca Raton authorizing amendments to the Community Development Block Grant Program Annual Consolidated Action Plans for 2006-07, 2005-06, 2004-05, 2003-04 and 2002-03; authorizing the City Manager to execute a certification for the amendments; authorizing the Community Improvement Administrator to submit the amendments to the United States Department of Housing and Urban Development; providing for severability; providing for repealer; providing an effective date

f. Initial Assessment Resolution No. 05-1

A resolution of the City of Boca Raton relating to the levy of special assessments for the construction of a wastewater collection system and other improvements in an area generally known as Hidden Valley, as more particularly described herein, which lands are specifically benefited by the construction; providing for severability; providing for repealer; providing an effective date

g. Receive and File Board Minutes – February 26, 2008

- 1) Citizen's Pedestrian and Bikeway Advisory Board
October 9, 2007
- 2) Community Appearance Board
January 15, 2008
- 3) Community Relations Board
January 14, 2008
- 4) Education Advisory Board
December 18, 2007
- 5) Financial Advisory Board
November 7, 2007
- 6) Library Advisory Board
October 17, 2007
November 14, 2007
- 7) Marine Advisory Board
January 2, 2008
- 8) Parks and Recreation Board
January 8, 2008
- 9) People with Disabilities
January 3, 2008
- 10) Planning & Zoning
December 6, 2007
- 11) Special Master
December 12, 2007
- 12) Telecommunications Advisory Board
January 7, 2008

3.h. Resolution No. 31-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Royal Palm Improvement Association, Inc. for the purpose of placing decorative street signs in City right-of-way in Royal Palm Yacht and Country Club; providing for severability; providing for repealer; providing an effective date

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. 5029

An ordinance of the City of Boca Raton amending certain sections of the Code of Ordinances relating to the Police and Firefighters' Retirement System; implementing provisions of the collective bargaining agreement between the City of Boca Raton and the Fraternal Order of Police concerning police pensions; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy Director of Financial Services Linda Davidson gave the presentation, advising that this ordinance provides an increased maximum for police officers from 84% to 87.5%, resulting from changes to the approved collective bargaining agreement. She stated that the ordinance was reviewed by the pension board trustees, and they recommended approval of same. A copy of that recommendation as well as a copy of an impact statement from the pension plan's actuary, comparing the change from 84% of average monthly earnings with the proposed 87.5%, was distributed to Council. Ms. Davidson provided additional details as to the monetary implications of this proposed amendment and concluded her presentation by advising that the ordinance, if adopted, would be effective October 1, 2007.

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. 5029. 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:

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:

4.a. Resolution No. 32-2008

A resolution of the City of Boca Raton relating to the potential development of the Boca Raton Tri-Rail site; providing for severability; providing for repealer; providing an effective date

The City Manager advised that this resolution was drafted as a result of Council's request at yesterday's workshop meeting in regard to the Tri-Rail site. At this point, Mayor Abrams briefly recapped his report from yesterday regarding the Tri-Rail board meeting he attended last week, advising that two proposals were brought forward for development of the Yamato Road station in Boca Raton. Upon hearing these

proposals, he felt that the City Council should take a position to: 1) reaffirm the current zoning on the site, and 2) ensure that the Board is cognizant of that zoning, as its members move toward approving a development. Mayor Abrams advised that one proposal by far exceeded the City's allowable zoning; the other proposal was in compliance. At that meeting, the Board agreed to enable the developer with the proposal exceeding the zoning to obtain, within seven months, conceptual approval from the City. Mayor Abrams clarified that this resolution did not address that, or any other proposal, but would simply make Tri-Rail aware of the City's existing zoning on the site and that proposals would be processed accordingly.

Responding to Council, the City Attorney stated that future legislative bodies are always free to take future legislative action and nothing in the resolution precluded or even implied limitation on same. Mayor Abrams pointed out that, at the meeting, the Tri-Rail Board was sensitive to the City's concerns; however, it appeared that others in attendance did not share that position.

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 approve Resolution No. 32-2008. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

5. Board Attendance Report (2007)

Mr. Ahnell referred to the material provided and advised that, per Ordinance No. 4585, which Council adopted in 2001, any Board Member absent from 30% or more of regularly scheduled meetings or three or more consecutive meetings was considered as having inadequate attendance. He noted that 20 Board Members fell into this category over the last year and then outlined three options available to Council at this time, which were as follows: 1) take no immediate action and direct staff to continue to monitor their attendance, 2) invite members to attend a public hearing in regard to their Board attendance, or 3) remove members without additional notice. Mr. Ahnell concluded his comments by advising that staff sought Council's direction.

Mayor Abrams noted that some responses from Board Members having inadequate attendance had been received and distributed to Council this evening. Discussion followed; it was noted that Board Members are made aware of the rules upon appointment. In addition, Council generally agreed that more up front notification from Board Members was needed regarding absences, as opposed to explanations after the fact. Staff was directed to continue to monitor attendance at this time.

6. Palm Beach County League of Cities – Committee Vacancies

The City Manager advised that the Palm Beach County League of Cities was seeking applicants for vacancies on some of their committees, specifically, the Impact Fee Review Committee, the Overall Economic Development Program, and the Treasure Coast Regional Planning Council. Mr. Ahnell advised that response was requested by March 12, 2008, and asked for feedback or suggestions from Council. Mayor Abrams confirmed with the City Manager that these were discretionary positions; Mr. Ahnell acknowledged that many names would be submitted.

It was determined that this item would be carried over to a future meeting.

CITY ATTORNEY REPORTS:

The City Attorney distributed a memo to Council in connection with the Ocean Breeze project, advising she received notice today from a state agency that Save Boca Raton Green Space filed an administrative petition to challenge two Comprehensive Plan amendments approved in regard to the Ocean Breeze project; Ocean Breeze representatives and the Development Services Department have also been notified. Ms. Frieser advised that staff would review the petition over the next few days and respond in accordance with appropriate procedure. She noted that a hearing would be held in Palm Beach County.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Arts referred to the Impact Fee Committee, associated with the Palm Beach County League of Cities, advising that this Committee would be coming before the Palm Beach County Commission with recommendations for fee increases. He opined that the proposed increases were onerous and provided examples of same, which appeared to more than double some existing fees. Two County hearings are scheduled for March 1, 2008, and April 15, 2008, wherein these increases will be reviewed. The City Manager was asked to prepare a resolution, outlining Council's position on same prior to the County's vote.

Council Member Hager advised that he missed yesterday's meetings because he was in Minnesota, attending his uncle's funeral.

Mayor Abrams asked the City Manager to report on the power outage that occurred earlier today. Mr. Ahnell advised that a substation, which feeds a transmission line, apparently caught fire somewhere in Dade County. Since the transmission line runs adjacent to I-95 all the way up the east coast, it affected power from Daytona to the Florida Keys. In regard to Boca Raton, approximately 40 out of 140 traffic signals were affected for a short period of time; in addition, some sections of the City lost power. Mr. Ahnell explained that approximately an hour and a half after the outage occurred everything was back up to speed. However, he noted there was one "Boil Water" notice going out for Woodfield Country Club in accordance with Palm Beach County health requirements; details were provided. Responding to Council, Mr. Ahnell advised that the notice would probably be lifted by tomorrow afternoon and provided additional information as requested.

Mayor Abrams advised that Parks and Recreation Board Member Emeritus Yale Newman had passed away at the age of 92 and noted his many contributions to the City's Parks and Recreation system.

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 6:35 p.m. on Tuesday, February 26, 2008.

Steven L. Abrams, Mayor

ATTEST:

Sharma Hagerty, City Clerk