

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 22, 2009
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 6:00 p.m.

INVOCATION:

Council Member Mullaugh gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Susan Haynie
Council Member Anthony Majhess
Council Member Michael Mullaugh
Council Member Constance Scott

AMENDMENTS TO THE AGENDA:

Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to amend the agenda to revise the cost of Consent Agenda Item No. 3.e.9. and to add Resolution No. 141-2009 as Consent Agenda Item No. 3.n. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of August 24, 2009
Minutes of the Regular Meeting of August 25, 2009

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

United States Constitution Week – September 17 through September 23, 2009

The proclamation was accepted by Mary Allen representing the Daughters of the American Revolution.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions advertised.

2. Responses to Workshop Information Requests:

The City Manager provided information on Consent Agenda three items requested at yesterday's Workshop meeting.

For item 3.a.2 – Annual Traffic Calming – additional information on potential locations of bus shelters was provided. Other information on ADA sidewalk improvements, status of traffic calming requested by neighborhoods, and missing sidewalk linkages near schools was also provided.

On item 3.c.1 – Personal Protective Equipment for Structural Fire Fighting – clarification on the fabric type and manufacturer for fire fighter pants was provided. The pants are made of a different material and produced by a different manufacturer.

Finally, on item 3h – Res. No. 135-2009 – clarification of member categories and terms of North Federal Highway Steering Committee members was provided. There are eight members and currently one vacancy for a commercial property owner or property manager in the North Federal Highway area.

3. Consent Agenda:

Mayor Whelchel provided an opportunity for members of the public to comment on the Consent Agenda.

Janice Irving came forward to voice opposition to Item 3.i., Resolution No. 136-2009 related to the Boca Raton Charter Conversion Feasibility Committee, indicating that she did not believe changing public schools to charter schools was a beneficial move. She also questioned the motivation in doing so, as well as where resources would come from and what impact this would have on teachers.

Fred Schwartz, Chairman of the Education Advisory Board and the Boca Raton Charter Conversion Feasibility Committee, provided additional information related to how a charter district is researched.

Motion was made by Council Member Mullaugh, seconded by Mayor Whelchel, to adopt the Consent Agenda as revised and amended. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

a. Sealed Bids – FY 08/09

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|----|--|-----------|
| 1) | Painting of the Dredge
Requested by Municipal Services
Palm Beach Yacht Center | \$51,971 |
| 2) | Annual Traffic Calming, Bus Shelters, Sidewalks and
Minor Road Construction
Requested by Municipal Services
Total Quality Construction Services, Inc. | \$755,000 |
| 3) | Sodium Hypochlorite Storage Tanks and Piping Replacement
Requested by Utility Services
Interstate Engineering Corporation | \$899,776 |
| 4) | Painting of Traffic Mast Arms
Requested by Municipal Services
Eagle Painting | \$237,200 |
| 5) | Pearl City Phase IV
Requested by Development Services and Recreation Services
Tran Construction, Inc. | \$445,204 |
| 6) | Pavement Resurfacing
Requested by Municipal Services
Community Asphalt Corporation | \$491,510 |

- b. Intergovernmental Agreements – FY 08/09
- 1) Wastewater Biosolids Hauling and Disposal
Requested by Utility Services
H & H Liquid Sludge Disposal, Inc. \$150,100
 - 2) Lighting for Tennis Courts- Replacement
Requested by Recreation Services
Musco Sports Lighting, LLC \$225,300
 - 3) Spray Park Playground Equipment (Replacement)
Requested by Recreation Services
Gametime Division of Playcore-Wisconsin, Inc., \$131,660
- c. Competitive Sealed Proposal – FY 08/09
- 1) Personal Protective Equipment for Structural Fire Fighting
Requested by Fire Rescue Services
Bennett Fire Products Co., Inc. \$499,900
- d. Sealed Bids – FY 09/10
- 1) Original Equipment (OE) Dealer Service for Chevrolet,
Chrysler and Ford Vehicles
Requested by Municipal Services
Auto Holding Corporation \$126,000
 - 2) Resource Recovery Services
Requested by Municipal Services and Recreation Services
Atlas Lox, LLC \$65,750
- e. Intergovernmental Agreements – FY 09/10
- 1) Tire Services
Requested by Municipal Services
Pride Enterprises \$75,000
 - 2) Tires
Requested by Municipal Services and Fire Rescue Services
Boca Raton Tire Center, Inc. Martino Tire Company,
Tire Soles of Broward \$245,000
 - 3) Water Meter Fittings and Water Line Accessories
Requested by Utility Services
Ferguson Enterprises, Inc. \$70,000
 - 4) Fertilizer Chemicals
Requested by Recreation Services and Utility Services
Agro Distribution d/b/a Pro Source One,
Diamond R Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer,
John Deere Landscapes/Lesco, Inc.,
Crop Production Services, Inc. \$110,293

5)	Office Supplies Requested by City Wide Office Depot	\$313,978
6)	Maintenance, Repair and Operation Supplies (MRO) Requested by City Wide Home Depot Inc., Grainger Inc., MSC Industrial Supply	\$325,000
7)	Corrosion and Odor Control Products Requested by Utility Services Siemens Water Technologies	\$448,890
8)	Coagulant Aid Requested by Utility Services Tropichem Enterprises	\$92,248
9)	Automobiles (Replacements) Requested by Municipal Services Duval Ford	\$1,040,107

f. Sole Source – FY 09/10

1)	Water Meters and Parts Requested by Financial Services and Utility Services Innovative Metering Solutions, Inc.	\$183,989
2)	Software Maintenance for SunGard Public Sector Software Modules Requested by City Manager Sungard Public Sector, Inc.	\$130,316
3)	Public Safety Software Maintenance Requested by City Manager Sungard Public Sector, Inc.	\$260,957
4)	Motorola Radio System Maintenance Requested by Police Services and Fire Rescue Services Motorola	\$259,906
5)	Payroll/Personnel Software Maintenance and Support Requested by City Manager Infor Global Solutions (Michigan), Inc.	\$53,700

g. Waiver of Procurement Procedures

1)	Fuel Purchases at Private Gas Stations Requested by Municipal Services Amerada Hess and BV Oil	\$3,000,000
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h. Resolution No. 135-2009

A resolution of the City of Boca Raton amending Section 10 of Resolution No. 117-2006; extending the term of the North Federal Highway Steering Committee; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 136-2009

A resolution of the City of Boca Raton directing the City Manager to provide support and assistance to the Boca Raton Charter Conversion Feasibility Committee; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 138-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Avolve Software Corporation, for the purchase of a license for EPlan Building Plan Review Software; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 139-2009

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amended and Restated Agreement between the City of Boca Raton and the Boca Raton Community Redevelopment Agency for the purpose of providing services and support to the Boca Raton Community Redevelopment Agency and extending the term of the agreement; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 140-2009

A resolution of the City of Boca Raton updating the pay and classification plan; providing for a merit pay plan for ceertain employees for Fiscal Year 2009-2010; providing for severability; providing for repealer; providing an effective date

m. Receive and File Board Minutes – September 22, 2009

- 1) Citizen's Pedestrian and Bikeway Advisory Board
July 13, 2009
- 2) Community Appearance Board
July 21, 2009
July 28, 2009
August 4, 2009
August 11, 2009
- 3) Community Relations Board
June 15, 2009
- 4) Downtown Boca Raton Advisory Committee
July 15, 2009
- 5) Education Advisory Board
June 22, 2009
- 6) Environmental Advisory Board
May 21, 2009
- 7) Executive Employees' Retirement Plan
May 28, 2009
- 8) Financial Advisory Board
May 11, 2009

- 9) General Employees' Pension Board
 January 27, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 February 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 March 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 April 8, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 April 16, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 June 10, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 July 9, 2009 (Regular Meeting)
 July 17, 2009 (Joint Administrative Committee Gen Emp/P&FF)
 August 11, 2009 (Joint Administrative Committee Gen Emp/P&FF)
- 10) Library Advisory Board
 June 17, 2009
 July 20, 2009 (Special Meeting)
- 11) Parks and Recreation Board
 August 4, 2009
- 12) People With Disabilities
 July 2, 2009
- 13) Planning and Zoning Board
 May 21, 2009
 June 4, 2009
 June 18, 2009
- 14) Special Master
 May 13, 2009
 May 27, 2009
 June 10, 2009
 August 12, 2009

3.n. Resolution No. 141-2009

A resolution of the City of Boca Raton authorizing a waiver of procurement procedures; authorizing the Mayor and City Clerk to execute an agreement for professional services with Weiss, Handler, Angelos & Cornwell, P.A., for representation of the city in economic development and related matters; 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:

4. Resolution No. 130-2009

A resolution of the City of Boca Raton considering an amendment to the approved Planned Unit Development, with a master plan, for Boca Beach Club, modifying certain conditions of approval and development parameters of Resolution No. 166-2006, to allow for an extension to the date of removal of the temporary lobby structure, to remove the requirement for a unity of control, and to provide for internal building and landscape setbacks; subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-02R1)

5. Resolution No. 134-2009

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Boca Beach Club replat of Parcel "A" Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-02/SUB)

The City Attorney advised that quasi-judicial procedures would be followed for this contemporaneous public hearing; the Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Council Member Mullaugh advised that he had a voice message from a principal of the Boca Beach Club but had not spoken with anyone. Council Member Majhess advised that he had spoken with a principal of the Boca Beach Club. Deputy Mayor Haynie advised that she spoke with Jamie Tilchen. Council Member Scott advised that she spoke with Mr. Tilchen and Steven Ast. Mayor Whelchel advised that she also spoke with those mentioned.

Development Services Principal Planner Jennifer Hofmeister gave the PowerPoint presentation. She explained the petition, citing the size of the parcels in question along with the zoning and land use designations. The resolutions would extend the date to remove the temporary lobby structure, remove the Unity of Control and modify the PUD Master Plan. There is also a petition for tentative plat approval. She then made herself available for any questions.

The public hearing was opened. Wendy Larsen, representing the petitioner, made herself available for questions. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to adopt Resolution No. 130-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

Motion was made by Council Member Mullaugh, seconded by Mayor Whelchel, to adopt Resolution No. 134-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5103

An ordinance of the City of Boca Raton amending Section 17-230 to provide for annual adjustments to the stormwater utility fees and an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that the ordinance adds an annual CPI (Consumer Price Index) adjustment to the stormwater utility fee.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Mullaugh, to adopt Ordinance No. 5103. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

7. Ordinance No. 5104

An ordinance of the City of Boca Raton amending Sections 17-45 and 17-84, Code of Ordinances, to provide for annual adjustments to the water and sewer rates and charges based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that this resolution clarifies language in sections of the City Code of Ordinances with regard to adjustments of water and sewer rates.

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

Motion was made by Council Member Mullaugh, seconded by Council Member Majhess, to adopt Ordinance No. 5104. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

8. Ordinance No. 5105

An ordinance of the City of Boca Raton amending Section 2-328, Code of Ordinances, to provide for annual adjustments to the Municipal Cemetery and Mausoleum and the Municipal Golf Course fees based on an indicator to establish the amount of the adjustments; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that this was also a matter of language clarification.

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

Motion was made by Council Member Majhess, seconded by Council Member Mullaugh, to adopt Ordinance No. 5105. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

9. Ordinance No. 5106

An ordinance of the City of Boca Raton amending Section 12-132, Code of Ordinances, relating to the Police and Firefighters' Retirement System regarding eligibility to serve on the Board of Trustees; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager gave the presentation, explaining that this ordinance will allow one police officer member and one fire fighter member of the pension board who may be in the DROP program to continue to serve as board members.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to adopt Ordinance No. 5106. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

10. Ordinance No. 5109

An ordinance of the City of Boca Raton amending the Fiscal Year 2008-2009 Budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Sharon McGuire gave the presentation. She reviewed the additional revenues and expenses in various reserve funds that were being recognized in the budget amendment. She then made herself available for questions.

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

Motion was made by Council Member Mullaugh, seconded by Council Member Scott,, to adopt Ordinance No. 5109. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

11. Resolution No. 131-2009

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. She reviewed the various categories of the user fees, noting those that were changed. She then made herself available for questions.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Majhess, to adopt Resolution No. 131-2009. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

12. Ordinance No. 5111

An ordinance of the City of Boca Raton providing for the vacation and abandonment of public utility easements and a portion of deeded water easements, located on the plat of Ravella Townhomes, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-09-01)

The ordinance was introduced by Deputy Mayor Haynie.

13. Ordinance No. 5112

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Water and Sewer Easement, located at 200 East Palmetto Park Road, as more specifically described herein; approving and accepting a Water Easement Deed from 200 East Partners, LLC, over certain lands located at 200 East Palmetto Park Road; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-09-03)

The ordinance was introduced by Council Member Majhess.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Robert Dukate, representing Save Boca Raton Green Space, provided a PowerPoint presentation in opposition to a prior decision made by Council related to Boca Teeca/Ocean Breeze.

At this time, Mayor Whelchel advised that Representative Adam Hasner's aide was in attendance earlier this evening in support of Resolution No. 136-2009 related to the Boca Raton Charter Conversion Feasibility Committee.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

14. Resolution No. 129-2009

A resolution of the City Council of the City of Boca Raton considering an appeal of the decision of the Environmental Control Hearing Board to modify the fine imposed by the City Manager, for unauthorized clearing of native vegetation at the U.S. Foodservice site located at 7598 N.W. 6th Avenue; providing for severability; providing for repealer; providing an effective date

The Mayor advised that quasi-judicial procedure would be followed for this public hearing. Under ex parte disclosures, Deputy Mayor Haynie advised that she spoke with Troy McLellan. Council Members Scott, Mullaugh and Majhess reported that they had no ex parte disclosures on this matter. Mayor Whelchel advised that she spoke with Troy McLellan. The Clerk then administered the oath to those who indicated they wished to speak.

Mr. Dan Abbott, counsel assisting the City in this matter, began the presentation by explaining the circumstances of the actions that resulted in the imposition of a fine. He then explained how the fine was determined, citing the severity and irreparable nature of the damage that led to the level of the fine. He noted that the Environmental Control Hearing Board reduced, from nine (9) to eight (8), the multiplier used to arrive at the final fine amount. He urged the Council to uphold that fine amount and made himself available for any questions.

Senior Environmental Officer Nora Fosman followed with a PowerPoint presentation providing a timeline of events, reviewing the environmental impact of the project and the process to issue permits. She noted the delicate nature of the Yamato Scrub which abuts the subject property and the presence of multiple gopher tortoises on the site that had to be relocated. Work on a retaining wall proceeded, intruding into the buffer zone abutting the natural area. Soil and vegetation were removed in violation of the permit. She noted other projects constructed adjacent to environmentally sensitive land without having adverse effects on those areas.

Chief Code Administrator for the City, Michael Berkman, then addressed the scope of the Underground Utility Permit, pointing out that this permit does not cover building a retaining wall. He cited Florida Building Code, noting that a separate building permit was necessary for this project.

Ms. Fosman returned to the podium. In response to questions from Council Members, she clarified the location of the disturbed area on the site plan.

The petitioner's attorney, Patricia Baloyra addressed Council. She explained that this matter was being appealed on the grounds that the incorrect application of the formula in the City Code was used to determine the fine. She introduced Ron White, division president of US Foodservice. Using a PowerPoint presentation he provided background information on US Foodservice, its company values and its commitment to their presence in Boca Raton. He offered his apology for any damage to the environment that occurred due to this project, emphasizing that nothing was done to intentionally cause harm. He made himself available for questions.

David Bye of ESI, construction contractor for US Foodservice, provided information about his company and their longtime partnership with US Foodservice. He emphasized that ESI put together a local team on this project to ensure that proper procedures were followed. He acknowledged that while there were miscommunications and some mistakes were made, nothing was done intentionally. He pointed out some discrepancies on the site plan and with permitting of the retaining wall. In response to questions from Council members, he elaborated on the role of a consultant with regard to this matter.

Patricia Baloyra returned to the podium to address the compilation of the fine. She addressed the 'cost to correct' formula found in the City Code of Ordinances that was used in determining the fine. She opined that the City should not set precedent by not distinguishing between an intentional action versus an action that occurred by mistake. She argued in favor of a lower fine, using a multiplier of five (5) rather than

eight (8) and using a base number reflective of actual mitigation costs rather than super mitigation costs. In response to questions from Council members, she explained her interpretation that the multiplier in the formula represents a penalty for intent.

The City Attorney suggested that Ms. Fosman address any questions about the level of penalty associated with the portion of the formula that relates to mitigation. She also suggested that time be allotted for rebuttal.

Ms. Fosman explained that the restoration proposal for mitigation included plants that were small in comparison to other restoration projects done recently. She did not consider the US Foodservice proposal to be for super mitigation.

Mr. Abbott returned to the podium and responded to Ms. Baloyra's remarks about the way in which the formula was applied in reaching the penalty imposed. He disputed that the multiplier of between five (5) and ten (10) was not applied to punish intent, but rather was to be used when the damage done was irretrievable.

Ms. Baloyra responded, reiterating her position with respect to the formula and the finding of intent.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Scott, to adopt Resolution No. 129-2009, to confirm the decision of the Environmental Control Hearing Board. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING – REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE:

15. Resolution No. 133-2009

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(f), Code of Ordinances, to allow one (1) additional building identity sign for Campus Management located at 777 Yamato Road; providing for severability; providing for repealer; providing an effective date (SCV-09-02)

The City Attorney advised that quasi-judicial procedure would be followed for this public hearing; the Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Deputy Mayor Haynie advised that she spoke with Troy McLellan. Council Member Scott advised that she also spoke with Mr. McLellan. Council Member Mullaugh advised that he spoke with the general counsel of Campus Management. Council Member Majhess had no disclosures. Mayor Whelchel advised that she visited Campus Management during which time this matter was discussed. On that visit she was with Kelly Smallridge, of the Business Development Board, and Troy McLellan.

Using a PowerPoint presentation, Jorge Camejo, Community Development Director, identified the proposed location of the sign for which the variance is requested. While acknowledging the reasons for denial of the sign by the Community Appearance Board, he stated that staff recommends granting the variance to have a second name sign on the building rather than on a ground level sign. He also addressed the concern that the sign will damage the glass façade of the building. He then made himself available for questions.

Grant Thornbrough, chairman of the Community Appearance Board, explained the reasons for the CAB denial of the variance.

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

Motion was made by Council Member Scott, seconded by Deputy Mayor Haynie, to adopt Resolution No. 133-2009, to grant the variance. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Biennial Review of General Employees Pension Plan

Mr. Ahnell advised that, following staff review of the last two years, a Cost Of Living Adjustment (COLA) to the General Employees Pension Plan was not recommended. He indicated that although the review is mandatory, providing a COLA is not. He then noted that the CPI actually decreased over the last year by 1.8%.

Economic Development Incentives

The City Manager outlined a number of incentives utilized by government entities throughout the country to bring in and retain jobs and business, such as tax abatements, tax increment financing (TIF), industrial revenue bonds, loan guarantees, matching of state and county grants, and a variety of community grants. He then focused on what is being offered by the State of Florida, specifically, a Qualified Target Industry (QTI) program, which is run through Enterprise Florida and oriented to manufacturing, professional/scientific, finance, insurance, wholesale trade, information technology, management services, and administrative support services. There followed details related to the grant. Generally, \$3,000 of State money is awarded for each employee who relocates to the State of Florida; however, up to \$6,000 may be awarded for each relocated employee, if the business is in an area identified as a "County enterprise zone" (an area in which the County is desirous of developing). Unfortunately, there are currently no enterprise zones in Boca Raton; Mr. Ahnell suggested that the City work with the County to determine whether zones might be identified in the Boca area in order maximize State funding.

Attention turned to a program offered by the County called the Job Growth Incentive (JGI) grant program, the goal of which is to relocate commercial, industrial, office and agricultural entities to Palm Beach County. Industries that are also targeted include aerospace and engineering, agribusiness, financial services, communications, information technology, film and television, marine, medical/pharmaceutical and health care, science and technology, and tourism recreational entertainment. Details were provided related to the grant criteria and the award numbers. Mr. Ahnell concluded his report and advised that staff would continue to research programs and incentives available through the State and the County.

CITY ATTORNEY REPORTS:

The City Attorney had no report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Haynie advised that she and Council Member Majhess attended the Literacy Coalition luncheon last week, and reported that they volunteered the City's librarian to be the contact person for the Coalition's literacy programs. She added that on October 8, 2009 at 10:00 am, Council is invited to assist in reading "The Very Hungry Caterpillar" to the children at the Florence Fuller Center; should any Council member wish to participate, Betty Grinnan is the contact person.

Council Member Scott reminded those present of Thursday night's jazz concert at SE 1 Street and SE 1 Avenue, which is one block west of Chops Lobster Bar; Perry Joslin will perform on the keyboards. She also advised that this Saturday morning at 8:00 am, the American Heart Association would conduct their Heart Walk at FAU (Florida Atlantic University).

ADJOURNMENT:

Motion was made by Council Member Mullaugh, seconded by Deputy Mayor Haynie, to adjourn the meeting. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:56 p.m. on Tuesday September 22, 2009.

Susan Whelchel, Mayor

ATTEST:

Susan S. Saxton, City Clerk