

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF INQUIRY

To: Steven Cullen, Executive Director
From: Mark E. Bannon, Senior Investigator
Re: C14-005 – Diana Grub-Frieser, City Attorney, City of Boca Raton

- **Background**

This matter came to the attention of the PBC Commission on Ethics (COE) staff via a sworn complaint filed by James Muro (Complainant), a resident of the City of Boca Raton (the City), listed as residing at 1211 SW 5th Ave., Boca Raton, FL 33432. The Complaint was sworn on July 10, 2014 based on the notary public stamp, and was received by the Palm Beach County Commission on Ethics (COE) on July 14, 2014. The complaint was assigned to COE Senior Investigator Mark Bannon.

The Complaint alleges that on July 1, 2011, legislative changes to Florida Statute §215.245, *Extra compensation claims prohibited; bonuses; severance pay* became effective. A provision within this amendment addressed the granting of severance pay for employment contracts entered into by a “unit of government”, limiting such payment to a maximum of 20 weeks of compensation. According to the Complaint, this law was specifically designed to prohibit employee contracts containing severance packages that exceed this 20 week maximum. Complainant alleges that a few days prior to the enactment of this amendment to state law, the City Council adopted resolution 58-2011, which provided a severance package for the City Attorney (Respondent Diana Grubb-Frieser) that was in excess of the allowable severance package under this law. He alleges that this violated the spirit of this law prior to it becoming effective by allowing for a severance package for Respondent “potentially worth over \$1,000,000”. Complaint alleges that the actual resolution was likely written by Respondent herself as the City Attorney, and that both Respondent and City staff were aware of this new law prohibiting granting this type of benefit after July 1, 2011, and “hence rushed to ratify this benefit”. Complainant alleges that the City failed to “appropriately disclose the conflict and law change relevant to ordinance (sic) to elected officials and the public”, and that he himself brought this matter to the attention of the City Council at a regular meeting on May 10, 2014, at which time they failed to act on this matter.

Finally, Complainant alleges that the actions by Respondent in this matter are in violation of §2-443(a), *Misuse of public office or employment*, and/or §2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics. As documentation, Complainant provided a copy of Resolution 58-2011 adopted by the City on June 28, 2011 with his sworn Complaint.

- **Documents submitted to the file:**

The following documents are submitted to the investigative file:

1. Copy of City of Boca Raton Resolution 58-2011, *A resolution of the City of Boca Raton approving certain amendments to the employment agreement with Diana Grub Frieser, the City Attorney; providing for severability; providing for repealer; providing an effective date*, which was approved by the City Council on June 28, 2011. (3 pages)
2. Copy of §215.425, *Taxation and Finance Financial Matters; General Provisions*, Florida Statutes, from the Florida Statute website (www.leg.state.fl.us/statutes/index.cfm) (2 pages)
3. Copy of minutes from the Tuesday, May 13, 2014 regular meeting of the Boca Raton City Council, in which Complaint is listed as addressing the council thus, “James Muro expressed his concerns about aspects of various pension plans and severance packages”. (6 pages)

4. Copy of the minutes from the Tuesday, June 28, 2011 regular meeting of the Boca Raton City Council, in which Resolution 58-2011 was approved by the City Council. (9 pages)

- **Applicable law**

The following portions of the PBC Commission on Ethics ordinance are relevant to this Inquiry:

Section 2-254. Creation and jurisdiction.

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to *any person required to comply with the countywide code of ethics*, the county lobbyist registration ordinance, and the county post-employment ordinance... (Emphasis added)

Section 2-260.8. Statute of limitation.

No action may be taken on a complaint filed more than two (2) years after the violation is to have alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. (Emphasis added)

Respondent is the City Attorney for the City of Boca Raton, and thus is under the jurisdiction of the PBC Code of Ethics, and the PBC Commission on Ethics.

The violation is alleged to have occurred on or before June 28, 2011, and thus is outside of the statute of limitations as listed in Section 2-260.8 because all alleged actions which could be violations of the Code of Ethics occurred more than two (2) years before this Complaint was filed with the COE. Further, since the resolution was approved at a public meeting of the Boca Raton City Council on June 28, 2011 and all information provided by staff to City Council regarding this resolution is public record and available to the general public upon request, there is no evidence of any attempt to prevent discovery of the alleged violation by fraud or other device.

The following portions of the PBC Code of Ethics are relevant to this Inquiry:

Sec. 2-442. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Official or employee means any official ***or employee of the county or the municipalities located within the county***, whether paid or unpaid.... The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners....to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity. (Emphasis added)

Sec. 2-443(a). Misuse of public office or employment.

An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, *in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit*, not shared with similarly situated members of the general public, for any of the following persons or entities: (Emphasis added)

- (1) Himself or herself;

Sec. 2-443(b). Corrupt misuse of official position.

An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for,

any benefit resulting from some act or omission of an official or employee *which is inconsistent with the proper performance of his or her public duties.* (Emphasis added)

- **Conclusion**


Based on the finding that all actions listed in this Complaint occurred on or before June 28, 2011, which is outside the two (2) year statute of limitations listed in Section 2-260.8 of the Palm Beach County Commission on Ethics Ordinance, the COE has no jurisdiction to address this matter. Further, because Resolution 58-2011 was approved at a public meeting of the Boca Raton City Council on June 28, 2011, and all staff information regarding this resolution was public record available to any member of the general public who requested it, there is no evidence of any attempt to prevent discovery of the alleged violation by fraud or other device which may allow jurisdiction to attach.

Where the COE has no jurisdiction over a matter, there is no legal sufficiency under which to conduct an investigation into the allegations of any violation of the Code of Ethics. Legal sufficiency is defined as:

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, ***and filed with the Ethics Commission within two years of the alleged violation.*** (emphasis added)

Therefore, this Complaint should be dismissed for **NO LEGAL SUFFICIENCY**.

Submitted by:



Mark E. Bannon
PB County Commission on Ethics

7/24/2014
Date

Reviewed by:

SR
(Initials)

7/24/2014
Date



PALM BEACH COUNTY COMMISSION ON ETHICS

300 North Dixie Highway, Suite 450, West Palm Beach, Florida 33401

Hotline: 877-766-5920 or 561-355-1915

COMPLAINT FORM

1. Complainant (Person bringing Complaint) Add pages, if necessary.

Please list all information where you would like to be contacted. Our preference is email.

Name: James Muro E-Mail: jemuro@yahoo.com
Address: 1211 Sw 5th Ave
City: Boca Raton Zip: 33432
Home #: 561-368-2745 Work #: _____ Cell #: _____

2. Respondent (Person against whom complaint is made) Add pages, if necessary.

Please provide as much information as possible.

Name: Diana Grub-Freiser E-Mail: dgfrieser@ci.boca-raton.fl.us
Address: 201 West Palmetto Park Road
City: Boca Raton Zip: _____
Home #: 393-7700 Work #: _____ Cell #: _____
Title/Office Held or Sought: City Attorney City of Boca Raton

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

Allegation is against person in
County/Municipal Government

Allegation is about County:
Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

[Signature]
Signature of Person Making Complaint

STATE OF FLORIDA

COUNTY OF Palm Beach

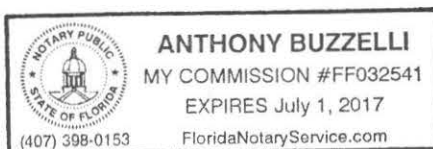
Sworn to (or affirmed) and subscribed before me
this 10 day of July, 2014, by

James Muro
(Name of Person Making Statement)

who is personally known to me _____ or produced
identification X. Type of identification
produced:

FL, DL
[Signature]
(Signature of Notary Public, State of Florida)

Anthony Buzzelli
(Print, Type, or Stamp Commissioned Name of Notary Public)



JAMES E. MURO

July 10, 2014

Gina Levesque
Palm Beach County Commission on Ethics
300 North Dixie Highway, Suite 450
West Palm Beach, FL 33401.

Dear Ms. Levesque,

In researching various aspects of City operation during 2013 and 2014, I discovered that the City of Boca Raton had granted a five-year severance package to the City Attorney, Diana Grub Frieser in which upon severance she would be entitled to receive up to 5 years of compensation. **(Please see attachment A)** This benefit was codified in **58-2011**. Ms. Frieser's resolution was executed on June 28th, 2011.

Relevant to this benefit specifically [Senate Bill 88] had been enacted over 3 months earlier revising §215.425 addressing pay of government employees, and specifically altering allowable severance packages. This law change prohibited severance packages of greater than 20 weeks entered into after July 1, of 2011. *Ms. Frieser was granted her 5-year severance package with 48 hours to go.* Information I have been made aware of and (email records) should indicate that the City staff was well aware of that law change and the prohibition to grant this type of package after July 1, 2011 and hence rushed to ratify this benefit. In that pursuit failing to fully and appropriately disclose the conflict and law change relevant to ordinance to elected officials and the public. It's probable that Ms. Frieser herself likely did the drafting of this very ordinance herself. This severance package is potentially worth over \$1,000,000.

At the date of proposal and adoption by the City Council, I do not believe it meets the "letter, spirit or intent" of that law and fails miserably as to disclosure to the public and certainly appears the elected officials whom approved this benefit package were not aware as evidenced by the absence of any discussion and/or disclosure to the public in the official minutes of the meeting of June 28th, 2011.

I believe this violates section 2-443 sections (a) sub 1 & (b) or other sections deemed appropriate by the commission.

(a) **[Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(1) Himself or herself;]

B- **[Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.]

I sought to first make the current City Council aware of the facts and the manner in which this benefit was granted. On May 10th, 2014, I addressed City Council under public comments raising the nature, manner and circumstance in which the City had granted this benefit to the City Attorney. (Please see archival link of May 10th regular council meeting.) My comments were ignored then and remain so as of this writing.

As a City resident at a time in which public compensation is so hotly debated and examined, I feel it is an ethical violation that the City chose to first grant a benefit which was clearly not permitted under spirit and intent of the changes in §215.425 in 2011. (ii) The City's choosing to not disclose the conflict at that time, and (iii) furthermore, ignored completely when it brought to elected officials attention in 2014. Since that date there has been no public comment, revision or other discussion of this matter in connection to the benefit package, and three members who ratified the granting of this benefit in 2011 remain on the City Council as of this writing including the Mayor.

I ask that this matter be investigated completely as to if any disclosure was made to those who voted for this benefit and how such a note-worthy omission was made from the public and what action are they going to take now or at least have a public comment on this matter? May I suggest that a preserve notice or anti-spoliation order be given to the City of Boca if this matter is going to be investigated. In my experience lost documents or failure to, slow production or refusal to produce or answer questions related to documents under §119 seems to be a practice and tactic with the City of Boca Raton. I can *only trust* in the process and your Commission's willingness to seek the truth.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Muro', with a stylized, flowing script.

James Muro



RESOLUTION

58-2011

A RESOLUTION OF THE CITY OF BOCA RATON
APPROVING CERTAIN AMENDMENTS TO THE
EMPLOYMENT AGREEMENT WITH DIANA GRUB
FRIESER, THE CITY ATTORNEY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
AN EFFECTIVE DATE

WHEREAS, on May 25, 1999, the City Council adopted Resolution No. 88-99
approving an employment agreement with Diana Grub Frieser as City Attorney, which
agreement has been amended annually thereafter (as amended, the "Employment Agreement");
and

WHEREAS, the parties to the Employment Agreement desire to revise certain terms
and conditions thereof to assure the validity and enforceability of the contract provisions; and

WHEREAS, the parties have entered into this amendment to their existing agreement
on June 28, 2011; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA
RATON:

1 Section 1. Subsection A of Section 3 (Termination and Severance Pay) of the
2 Employment Agreement is hereby amended as follows:

3 A. From the date of this amendment (June 28, 2011) through the date of termination of
4 this Agreement, in the event the EMPLOYEE is terminated or forced to resign by the City
5 Council, the CITY agrees to pay the EMPLOYEE a lump sum amount equal to the greater of: (i)
6 the aggregate of salary and benefits that would have accrued to EMPLOYEE during the
7 severance payment period (as defined hereinafter) but for the termination or forced resignation;
8 or (ii) the aggregate of twelve (12) months salary and benefits as provided herein. For the
9 purposes hereof, the "severance payment period" is five (5) years as of the date hereof (June
10 28, 2011) as of each anniversary date of this Agreement, July 6th; and, commencing on June
11 28, 2012, is reduced by one (1) month for each month, until the next anniversary date of the
12 Agreement, EMPLOYEE continues employed and receives his salary pursuant to Section 4,
13 hereof; provided, however, after June 28, 2016, and for the remainder of the Agreement, the
14 "severance payment period" shall be the aggregate of twelve (12) months salary and benefits
15 the severance payment period shall not be reestablished as a five (5) year period on the
16 anniversary date of this Agreement in the event the City Council concludes, during an annual
17 performance evaluation, that EMPLOYEE's performance was not satisfactory during such
18 period, in which case the severance payment period shall continue to reduce. The lump sum
19 payment shall be due and payable in full within thirty (30) days of the termination or forced
20 resignation. The CITY will provide, at their cost, insurance coverage as provided herein for the
21 EMPLOYEE and his dependents for a period of 12 months upon severance of employment.
22 However, in the event the EMPLOYEE is terminated because of his being found guilty by a
23 court of competent jurisdiction of an illegal act involving personal gain to him, or of any felony or
24 misdemeanor involving moral turpitude, then, in that event, the CITY shall have no obligation to
25 pay any aggregate severance pay designated in this section.
26

27 Section 2. Salary adjustments authorized by Section 4 of the Employment
28 Agreement shall not be deemed or construed as a renewal or renegotiation of the Employment
29 Agreement.

30 Section 3. The parties acknowledge that in no event shall the benefits provided in
31 Subsection B of Section 12 (Retirement) of the Employment Agreement, and specifically the
32 benefits under the Plan and Ordinance No. 4749, be deemed or construed to be "severance
33 pay" as defined in 215.425(4)(d), Fla. Stat.

34 Section 4. The City Council hereby concludes, as contemplated in Section 5 of the
35 Employment Agreement, that EMPLOYEE's performance was outstanding; provided,
36 however, EMPLOYEE's annual salary, as set forth in Section 4 of the Employment Agreement
37 shall remain unchanged.

Select Year: 2013

The 2013 Florida Statutes

[Title XIV](#)[Chapter 215](#)[View Entire Chapter](#)

TAXATION AND FINANCE FINANCIAL MATTERS: GENERAL PROVISIONS

215.425 Extra compensation claims prohibited; bonuses; severance pay.—

(1) No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year.

(2) This section does not apply to:

(a) A bonus or severance pay that is paid wholly from nontax revenues and nonstate-appropriated funds, the payment and receipt of which does not otherwise violate part III of chapter 112, and which is paid to an officer, agent, employee, or contractor of a public hospital that is operated by a county or a special district; or

(b) A clothing and maintenance allowance given to plainclothes deputies pursuant to s. [30.49](#).

(3) Any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:

(a) Base the award of a bonus on work performance;

(b) Describe the performance standards and evaluation process by which a bonus will be awarded;

(c) Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and

(d) Consider all employees for the bonus.

(4)(a) On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

1. A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

2. A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in s. [443.036\(30\)](#), by the unit of government.

(b) On or after July 1, 2011, an officer, agent, employee, or contractor may receive severance pay that is not provided for in a contract or employment agreement if the severance pay represents the settlement of an employment dispute. Such severance pay may not exceed an amount greater than 6 weeks of compensation. The settlement may not include provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

(c) This subsection does not create an entitlement to severance pay in the absence of its authorization.

(d) As used in this subsection, the term “severance pay” means the actual or constructive compensation, including salary, benefits, or perquisites, for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for:

1. Earned and accrued annual, sick, compensatory, or administrative leave;
2. Early retirement under provisions established in an actuarially funded pension plan subject to part VII of chapter 112; or
3. Any subsidy for the cost of a group insurance plan available to an employee upon normal or disability retirement that is by policy available to all employees of the unit of government pursuant to the unit’s health insurance plan. This subparagraph may not be construed to limit the ability of a unit of government to reduce or eliminate such subsidies.

(5) Any agreement or contract, executed on or after July 1, 2011, which involves extra compensation between a unit of government and an officer, agent, employee, or contractor may not include provisions that limit the ability of any party to the agreement or contract to discuss the agreement or contract.

History.—Formerly s. 11, Art. XVI of the Constitution of 1885, as amended; converted to statutory law by s. 10, Art. XII of the Constitution as revised in 1968; s. 27, ch. 79-190; s. 1, ch. 80-114; s. 35, ch. 84-336; s. 3, ch. 92-90; s. 83, ch. 92-279; s. 55, ch. 92-326; s. 2, ch. 95-169; s. 5, ch. 98-320; s. 8, ch. 99-259; s. 1, ch. 2011-143; s. 24, ch. 2012-5.

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
Tuesday, May 13, 2014
6:00 PM

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

1. INVOCATION:

Council Member Scott Singer offered the invocation.

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Constance J. Scott
Council Member Michael Mullaugh
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

5. MINUTES:

A. Minutes of the Workshop Meeting of April 21, 2014
Minutes

B. Minutes of the Regular Meeting of April 22, 2014
Minutes

Motion was made by Council Member Michael Mullaugh, seconded by Council Member Scott Singer, to approve the minutes as presented. Motion carried unanimously on a voice vote.

6. PROCLAMATIONS/PRESENTATIONS:

A. Post-Legislative Session Update - Representative Bill Hager

Representative Hager was unable to attend the meeting. His update will be rescheduled.

7. BOARD APPOINTMENTS:

A. Affordable Housing Advisory Committee
Vacancy Sheet
There were no applicants.

B. Airport Authority
Vacancy Sheet and Applications

Paul Carman requested reappointment and responded to a question about a customs facility.

For the At Large Seat:

Motion was made by Council Member Robert S. Weinroth to appoint Gene Folden.

Motion was made by Council Member Scott Singer to appoint Frank Feiler.

In the voting, Mr. Folden received 5 votes and Mr. Feiler received 0 votes. Therefore, Mr. Folden was appointed to the At Large Seat.

For the two (2) East of I-95 Seats:

Motion was made by Council Member Robert S. Weinroth to appoint Jack Fox.

Motion was made by Council Member Constance J. Scott to appoint Frank Feiler.

Motion was made by Council Member Scott Singer to appoint Stephen Walsh.

Motion was made by Council Member Michael Mullaugh to appoint Paul Carman.

In the voting, Mr. Feiler received 5 votes, Mr. Fox received 4 votes, Mr. Walsh received 1 vote and Mr. Carman received 0 votes. Therefore, Mr. Feiler and Mr. Fox were appointed to the East of I-95 Seats.

C. Boca Raton Advisory Board for People with Disabilities
Vacancy Sheet

As Ann Latos was unable to interview, Council deferred consideration of her application to a future meeting.

D. Builders' Board of Adjustment and Appeals
Vacancy Sheet

There were no applicants.

E. Civil Service Board
Vacancy Sheet

There were no applicants.

F. Education Advisory Board
Vacancy Sheet

There were no applicants.

G. Marine Advisory Board
Vacancy Sheet

There were no applicants.

8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:

There were no items for follow up.

9. CONSENT AGENDA:

A. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Scheduling Software;
Requested by City Manager;
immixTechnology, Inc.; | \$68,405 |
| 2) | Anhydrous Ammonia, Tank Rental & Tank Maintenance;
Requested by Utility Services;
Tanner Industries, Inc.; | \$65,150 |
| 3) | Automobiles and Light Trucks (Replacements);
Requested by Municipal Services;
Alan Jay Ford Lincoln Mercury, Inc., AutoNation Chrysler
Dodge Jeep Ram Pembroke Pines, Don Reid Ford, Inc.,
Garber Chrysler Dodge Truck Inc., Moore Family Management,
LLC dba: Roundtree-Moore Chevrolet/Nissan; | \$280,900 |

- 4) Vehicle Lighting and Accessories;
Requested by Municipal Services;
Strobes-R-US; \$221,000
Bids
- B. Sole Source
1) Lift Station Pumps;
Requested by Utility Services;
Xylem Water Solutions USA Inc.; \$63,332
Bid
- C. Resolution No. 44-2014
A resolution of the City of Boca Raton canceling certain workshop and regular meetings in June 2014, July 2014, and August 2014; providing for severability; providing for repealer; providing an effective date
Resolution No. 44-2014
- D. Resolution No. 46-2014
A resolution of the City of Boca Raton authorizing the City Manager to execute a temporary license agreement with BRE/Boca Corporate Center, L.L.C. for the use of parking lots for the City's July 4th Celebration Event; providing for severability; providing for repealer; providing an effective date
Resolution No. 46-2014
- E. Resolution No. 47-2014
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Champion Solutions Group, Inc., for the provision of professional information technology (IT) services; providing for severability; providing for repealer; providing an effective date.
Resolution No. 47-2014
- F. Resolution No. 48-2014
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Participation Agreement with the State of Florida Department of Transportation (FDOT) in connection with Financial Management (FM) No. 429966-1-58-01, providing for the installation of certain landscaping improvements within FDOT rights-of-way at the State Road 808 (Glades Road) and State Road 9 (I-95) interchange; authorizing the Mayor and City Clerk to execute a Landscape Maintenance Memorandum of Agreement with FDOT for FM No. 429966-1-58-01 for the landscape improvements installed within FDOT rights-of-way at the State Road 808 (Glades Road) and State Road 9 (I-95) interchange; providing for severability; providing for repealer; providing an effective date
Resolution No. 48-2014
- G. Resolution No. 49-2014
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for the period May 26, 2014 through September 30, 2016, between the City and the Service Employees International Union (SEIU)/Florida Services Union Local #1227; providing for severability; providing for repealer; providing an effective date.
Resolution No. 49-2014
- H. Board Minutes Received
1) Boca Raton Advisory Board for People with Disabilities
April 3, 2014

- 2) Community Appearance Board
March 25, 2014
April 8, 2014
- 3) Community Relations Board
March 17, 2014
- 4) Education Advisory Board
March 24, 2014
- 5) Executive Employees' Pension Board
March 26, 2014
- 6) Green Living Advisory Board
December 12, 2013
- 7) Marine Advisory Board
February 5, 2014
- 8) Police and Firefighters' Pension Board
March 27, 2014
- 9) Special Magistrate Red Light Camera Hearing
February 20, 2014
Minutes

Mayor Haynie provided an opportunity for public input on the Consent Agenda. No one came forward to speak.

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to approve the Consent Agenda. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Constance J. Scott, Council Member Michael Mullaugh, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

10. QUASI-JUDICIAL CONSENT AGENDA:

There was no business to consider.

11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There was no business to consider.

12. REGULAR PUBLIC HEARINGS:

There was no business to consider.

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

14. INTRODUCTION OF ORDINANCES:

There was no business to consider.

15. PUBLIC REQUESTS:

Richard Johnson read into the record a memo he sent to the Council regarding the response of the independent trustees of the Police & Firefighters' Pension Board to comments made recently by the Citizens for Fiscal Responsibility.

John Girard, Police & Firefighters' Pension Board trustee, added his comments to those of Mr. Johnson.

James Muro expressed his concerns about aspects of various pension plans and severance packages.

16. RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS:

A. Resolution No. 45-2014

A resolution of the City Council of the City of Boca Raton considering the appeal of a Community Appearance Board decision to deny Permit No. 14-1003 for the installation of a illuminated flat multiple story building identity sign to be installed on the windows at the top of the west facing building elevation for City Twist, located at 1200 North Federal Highway; providing for severability; providing for repealer; providing an effective date

Resolution No. 45-2014

The City Attorney reviewed the quasi-judicial procedure that would govern the public hearing. Council members noted they had no ex parte disclosures. Court reporter Shari Grimsgaard, on behalf of City Twist, introduced herself. The City Clerk administered the oath to those who wished to speak. Keith Carney, Senior Zoning Officer, gave the PowerPoint presentation. Details were provided on the location of building, the company requesting the sign, the location and size of the proposed sign, a summary of the results of the three Community Appearance Board (CAB) meetings at which the sign was considered; and the objections of CAB centering on the fact that the sign was to be attached to the glass of the building. Mr. Carney stated that staff recommends granting the appeal. He then responded to questions from Council.

The public hearing was opened. Denise Williams and Sherry Dillard with Art Sign Company, representing the petitioner, gave further information on the sign and the method of mounting the sign, noting that the sign meets code and that they have installed a sign in a similar manner that was approved by the City. Kenneth Schwartz, CEO of City Twist, then provided information on the company, displayed pictures of the requested sign as well as a similar sign illustrating the size of the sign. He then requested that the appeal be granted.

Larry Cellon, CAB chairman, explained the reasons of the Board for not approving the application, noting that there were alternate locations on the building for the sign. Members then asked questions of Mr. Cellon.

Glenn Gromann spoke in support of granting the appeal. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Constance J. Scott, seconded by Council Member Robert S. Weinroth, to approve Resolution No. 45-2014, granting the appeal.

Members offered final comments. Deputy City Manager George Brown responded to a question regarding potential liability when the sign was removed.

Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Constance J. Scott, Council Member Michael Mullaugh, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

18. CITY MANAGER RECOMMENDATIONS AND REPORTS:

**A. Request to Pre-Advertise a Public Hearing - 900 Broken Sound PMD
Memo**

City Manager Leif Ahnell explained the request to advertise a public hearing before City Council prior to this project being heard by the Planning & Zoning Board. Members offered comments, emphasizing that this type of problem was caused by the Council's summer schedule, not the petitioner.

Motion was made by Deputy Mayor Constance J. Scott, seconded by Council Member Robert S. Weinroth, to approve the rRequest to pre-advertise a public hearing for 900 Broken Sound PMD. Motion carried unanimously on a voice vote.

19. CITY ATTORNEY REPORTS:

The City Attorney had no report.

20. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Singer thanked the Verde Elementary School students for attending tonight's meeting.

Council Member Scott commented on last week's Police Memorial and the upcoming PAL golf outing.

Mayor Haynie invited everyone to attend the Memorial Day observance on May 26 at the Boca Raton Cemetery as well as the evening's free the concert at the Mizner Park Amphitheater.

21. ADJOURNMENT:

The meeting was adjourned without objection at approximately 7:00 pm.

Susan Haynie, Mayor

ATTEST:

Susan S. Saxton, City Clerk

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 28, 2011
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 6:01 p.m.

1. **INVOCATION:**

Council Member Mullaugh gave the invocation.

2. **PLEDGE OF ALLEGIANCE TO THE FLAG:**

3. **ROLL CALL:**

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

4. **AMENDMENTS TO THE AGENDA:**

Motion was made by Council Member Mullaugh, seconded by Council Member Scott, to amend the agenda to add Resolution Nos. 57-2011 and 58-2011, respectively, under Item Nos. 18.C. and 19.A. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.

5. **MINUTES:**

- A. Minutes of the Regular Workshop Meeting of June 6, 2011
- B. Minutes of the Regular Meeting of June 7, 2011
- C. Minutes of the Joint Meeting of May 9, 2011 with the
Greater Boca Raton Beach & Park District

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

6. **PROCLAMATIONS/PRESENTATIONS:**

A. Legislative Update – Representative Lori Berman

Florida House District 86 Representative Lori Berman gave an overview of the last legislative session. Topics included, but were not limited to, pill mill legislation, severance pay for employees, red light camera laws, growth management laws, and an amendment to the Lake Worth Drainage District's (LWDD) charter with the initial goal of issuing bonds in order to build a reservoir. She noted that a redistricting meeting would be held in August at FAU.

B. Proclamation – George Bolge, Boca Raton Museum of Art

George Bolge, retiring Executive Director of the Boca Raton Museum of Art, accepted the proclamation.

7. **APPOINTMENTS TO THE FOLLOWING BOARDS:**

There were no positions advertised.

8. **RESPONSES TO WORKSHOP INFORMATION REQUESTS:**

The City Manager indicated that responses to queries tendered at yesterday's Workshop meeting would be covered in tonight's presentations.

9. **CONSENT AGENDA:**

Mayor Whelchel provided an opportunity for members of the public to comment on the Consent Agenda; no one came forward to speak.

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

A. **Sealed Bid**

- | | | |
|----|---|-------------|
| 1) | Interior Build Out of Police Department Strategic Operations and Forensic Lab
Requested by Police Services
Sisca Construction Services, LLC | \$1,243,000 |
| 2) | Pressure Cleaning Services for Median Roadways and Sidewalks
Requested by Municipal Services
King of Pressure, Inc. | \$285,000 |

B. **Intergovernmental Agreement**

- | | | |
|----|---|-----------|
| 1) | Playground Equipment - Replacement
Requested by Recreation Services
Gametime Division of Playcore-Wisconsin, Inc. | \$321,904 |
| 2) | Wastewater Biosolids Hauling and Disposal
Requested by Utility Services
H & H Sludge Disposal, Inc. | \$210,000 |
| 3) | Irrigation Supplies
Requested by Recreation Services
Florida Irrigation Supply, Inc.; Kilpatrick Irrigation Supply, Inc.,
d/b/a Boynton Pump & Irrigation Supply; HD Supply Waterworks,
Ltd., Melrose Supply and Sales Corp., Professional Pump Corp.,
d/b/a Professional Supply | \$60,066 |
| 4) | Rehabilitation of Water Production Wells
Requested by Utility Services
Aquifer Maintenance & Performance Systems, Inc. | \$175,000 |
| 5) | IBM SAN Expansion Upgrades - Replacement
Requested by City Manager
IBM Corporation | \$114,754 |

- 6) Horticultural Chemicals
Requested by Recreation Services Utility Services
Agrium Advance Technologies; Alligare, LLC; BWI Companies,
Inc.; Diamond R Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer;
John Deere Landscapes, Inc./Lesco, Inc.; Univar USA; Vet Corp.,
Inc.; Winfield Solutions d/b/a Prosource One \$117,789

C. Change Order

- 1) Lime Treatment Unit No. 2 Rehabilitation
Requested by Utility Services
Garney Companies, Inc. \$221,000

D. Resolution No. 59-2011

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with T2 Systems, Inc. for the purpose of purchasing hardware and related software for electronic handheld parking ticket writers; providing for severability; providing for repealer; providing an effective date

E. Resolution No. 60-2011

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the Esterly Area Wastewater Infrastructure Improvements; providing for severability; providing for repealer; providing an effective date

F. Resolution No. 61-2011

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 4 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the A1A Area Wastewater Infrastructure Improvements; providing for severability; providing for repealer; providing an effective date

G. Resolution No. 62-2011

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for the Boca Raton Hills Wastewater Infrastructure Improvements; providing for severability; providing for repealer; providing an effective date

H. Resolution No. 63-2011

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with FIA Card Services, N.A., a Bank of America Company for the purpose of providing a procurement card program; providing for severability; providing for repealer; providing an effective date

I. Resolution No. 65-2011

A resolution of the City of Boca Raton authorizing the City Manager to enter into an agreement with the Southeast Florida Regional Partnership to participate in the Sustainable Communities Grant Consortium; authorizing the pledging of in-kind matching staff support for said grant; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

J. Resolution No. 66-2011

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, funding of City projects and programs, and other matters; providing for severability; providing for repealer; providing an effective date

K. Resolution No. 67-2011

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Science Applications International Corporation for the purpose of hurricane/disaster debris removal monitoring services; providing for severability; providing for repealer; providing an effective date

L. Resolution No. 68-2011

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection, subject to the City's regulatory authority and Code of Ordinances; advising the State that the City will have the ability to provide the local funding share necessary to implement any State beach and coastal management program in which the City elects to participate; authorizing the City Manager to forward a long-term beach funding plan to the State; providing for severability; providing for repealer; providing an effective date

M. Resolution No. 69-2011

A resolution of the City of Boca Raton amending the City's Money Purchase Retirement (Defined Contribution) Plans, ICMA-Retirement Corporation Defined Contribution Plan Nos. 106503, 108242, 108805, 109184, and 109423, to establish terms and conditions for loans to participants and to authorize the City Manager to execute Loan Guidelines Agreements with ICMA-Retirement Corporation; providing for severability; providing for repealer; providing an effective date

N. Resolution No. 70-2011

A resolution of the City of Boca Raton amending the City's Deferred Compensation Plan, ICMA-Retirement Corporation Deferred Compensation Plan No. 300076, to establish terms and conditions for loans to participants and to authorize the City Manager to execute a Loan Guidelines Agreement with ICMA-Retirement Corporation; providing for severability; providing for repealer; providing an effective date

O. Resolution No. 72-2011

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Northern Palm Beach County Improvement District for the purpose of complying with the United States Environmental Protection Agency's National Pollutant Discharge Elimination System permit conditions; providing for severability; providing for repealer; providing an effective date

P. Board Resignations

- 1) Resignation of Jessica Marshall from the Community Relations Board
- 2) Resignation of Ezra J. Siegel from the Education Advisory Board

Q. Receive and File - Election certification

- 1) Election of Leigh S. Sommer to the Board of Trustees of the Police and Firefighters' Retirement System – term to expire March 29, 2013

R. Receive and File Board Minutes – June 28, 2011

- 1) Community Appearance Board
May 10, 2011
May 17, 2011
May 24, 2011
- 2) Downtown Boca Raton Advisory Committee
May 4, 2011
- 3) Education Advisory Board
April 25, 2011
- 4) Environmental Advisory Board
June 17, 2010
- 5) General Employees' Pension Plan
May 11, 2011 (Joint Administrative Committee with P&FF)
May 12, 2011
- 6) Green Living Task Force
April 7, 2011
- 7) Historic Preservation Board
January 18, 2011
April 26, 2011
- 8) Library Advisory Board
April 20, 2011
- 9) Marine Advisory Board
May 4, 2011
- 10) Planning and Zoning
April 7, 2011
- 11) Police and Firefighters' Retirement System
April 28, 2011
- 12) Special Master
April 27, 2011

10. QUASI-JUDICIAL CONSENT AGENDA:

There were no items for consideration.

11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

(Scrivener's Note: Resolutions No. 64-2011 and 71-2011 were advertised as Resolutions No. 56-2011 and 55-2011, respectively. New numbers, as reflected below and on the meeting agenda, were assigned to each in error; however, all other language in the resolutions remained the same. The correct resolution numbers are 56-2011 and 55-2011, respectively, as advertised, and will be filed as such.)

A. Resolution No. 64-2011 Resolution No. 56-2011

A resolution of the City of Boca Raton considering conditional use approval to allow for a Booksmart/Bookwise bookstore use in an existing building on a parcel of land located at 145 NW 20th Street; providing for severability; providing for repealer; providing an effective date (CA-11-02)

The City Attorney reviewed the quasi-judicial procedure that would govern the public hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He explained that the petitioner proposed to renovate a 22,078 square foot, two-story building to allow for a bookstore, which would be a combination of warehouse and specialty retail use. The first floor would be utilized for retail and a showroom; the second floor would be used for office space and warehouse/storage space. There followed information on parking. Mr. Johnson then concluded his presentation by advising that the Planning & Zoning Board unanimously recommended approval of the project with conditions, as did Development Services staff.

Richard Brooks, the architect representing the petitioner, distributed two pictures to Council and advocated support for the project.

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. 64-2011 Resolution No. 56-2011.

At this time, the City Attorney referred to Mr. Brooks' handout, one of which reflected exterior scaffolding, and confirmed with Mr. Johnson that no additional square footage was being added to the building.

Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh, and Scott voting yes.

B. Resolution No. 71-2011 Resolution No. 55-2011

A resolution of the City of Boca Raton amending and restating Conditional Use Approval and Conditional Commercial Node Master Plan Approval for the Shoppes at Blue Lake, approved by Resolution No. 142-2008, to convert the outside waiting area to an outside bar and customer service area for the existing Boca East Ale House; on a parcel of land located at 1200 Yamato Road; providing for severability; providing for repealer; providing an effective date (CA-03-06R4)

The City Attorney advised that quasi-judicial procedure was still in effect for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Senior Planner Susan Lesser gave the PowerPoint presentation. Information regarding location, zoning, and land use designation was provided. Ms. Lesser

explained that the petitioner proposed to convert an outside waiting area to an outside bar and customer service area. She added that since the bar and customer service area is outdoors, the building footprint did not change. Consequently, there were no changes to trip generations or previously-approved technical deviations. In addition, all previously-approved conditions remained in effect. There followed information related to parking. Ms. Lesser concluded her presentation by advising that Development Services recommended approval of the application with conditions included in the resolution.

Richard Brooks, the architect for the project, made himself available for questions.

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

Motion was made by Council Member Mullaugh, seconded by Council Member Mahjess, to adopt Resolution No. 71-2011 Resolution No. 55-2011. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Mahjess, Mullaugh, and Scott voting yes.

12. REGULAR PUBLIC HEARINGS:

There were no items for consideration.

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There were no items for consideration.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5172

An ordinance of the City of Boca Raton amending the Fiscal Year 2010-2011 Budget through the Second Budget Amendment; providing for severability; providing for repealer; providing an effective date

Council Member Scott introduced the ordinance.

15. PUBLIC REQUESTS:

John Stetz provided commentary related to gas stations with generators, speed humps, the School Board and the South Florida Water Management District, charging stations for electrical vehicles, and parking meters in City parks. Mayor Whelchel and Mr. Ahnell responded to several of the comments..

Craig Ernst spoke positively about the Recreation Services Department summer camp program. He also commented on the Wildflower property, indicating apprehension about a private or commercial venture being located on the site.

Heidi Klier voiced agreement with Mr. Ernst's concerns regarding the Wildflower property.

16. RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

17. QUASI-JUDICIAL PUBLIC HEARINGS:

There were no items for consideration.

18. **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

A. Designation of Voting Delegate to the Florida League of Cities Annual Conference

Council Member Scott was designated by Council as the voting delegate.

B. Biennial Review of Benefits – General Employees' Pension Plan

The City Manager stated that, due to budget circumstances, he was not recommending any changes to the benefits at this time. This recommendation would be included in the City's budget that will be considered by Council in September.

Mizner Park Cultural Arts Center - CRA Lease to MPCA

Deputy City Manager George Brown referred to a handout from the City Manager, dated June 28, 2011, regarding the abovementioned lease and provided a brief overview of same in response to comments made by the public at yesterday's Workshop meeting. He explained that, to date, three amendments had been made to the lease and cautioned that reading isolated sections of the lease out of context could lead to misunderstanding. Emphasis was placed on several points including, but not limited to, permitted uses on the second floor of the building (former Cartoon Museum). Mr. Brown advised that any use other than for a civic and cultural purpose, as delineated in the lease, would require the landlord's consent and the CRA is the landlord. Details were provided on all the above.

Wildflower Property

Deputy City Manager George Brown gave a PowerPoint presentation, explaining that staff proposed requesting Letters of Interest in connection with development of the Wildflower property, instead of issuing an RFP (Request For Proposal), as an RFP would be more restrictive. There followed an overview of the proposed schedule for requesting the Letters of Interest, as well as the general terms to be followed by interested parties when submitting same. It was noted that, in addition to other requirements, the proposed enterprise would be open to the public, it would be financially and operationally feasible, and the City would not subordinate its interest in the property. Details were provided on all the above.

C. Executive Performance Evaluation

Resolution No. 57-2011

A resolution of the City of Boca Raton approving certain amendments to the employment agreement with Leif J. Ahnell, the City Manager; providing for severability; providing for repealer; providing an effective date

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Majhess, to approve Resolution No. 57-2011 with completion of the City Manager's performance as outstanding. Motion carried unanimously; Mayor Welchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

19. CITY ATTORNEY REPORTS:

A. Executive Performance Evaluation

Resolution No. 58-2011

A resolution of the City of Boca Raton approving certain amendments to the employment agreement with Diana Grub Frieser, the City Attorney; providing for severability; providing for repealer; providing an effective date

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

Motion was made by Council Member Scott, seconded by Council Member Majhess, to approve Resolution No. 58-2011 with completion of the City Attorney's performance as outstanding. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Haynie, Council Members Majhess, Mullaugh and Scott voting yes.

20. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Majhess referred to recent events and the new Ethics Commission and suggested that staff review the City Code in connection with Board Member's service and update same to be more closely match State legislation. Council Member Mullaugh and Deputy Mayor Haynie concurred.

Deputy Mayor Haynie wished everyone a safe and happy 4th of July holiday.

Mayor Whelchel reminded those present of the Fabulous Fourth celebration on Monday, July 4, 2011, at 6:00 pm at Florida Atlantic University (FAU). She then reported on her attendance at the rededication this afternoon of Sand Pine Park, and the use of artificial turf, before asking Deputy City Manager George Brown to provide an update to Council on the City's Financial Services Director Linda Davidson.

Mr. Brown advised that Ms. Davidson has been designated as President of the GFOA (Government Finance Officers Association) of the United States and Canada, having previously served as the President of the Florida Government Finance Officers Association (FGFOA); details were provided.

21. ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned, without objection, at approximately 7:25 p.m. on Tuesday, June 28, 2011.

Susan Whelchel, Mayor

ATTEST:

Susan S. Saxton, City Clerk