

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 9, 2002
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

INVOCATION:

Deputy Mayor Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Haynie
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Carol Hanson

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to add Ordinance No. 4649 to the agenda, under "Regular Business – Part IV – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

PROCLAMATIONS:

Relay for Life Days – April 12 & 13, 2002

The proclamation was accepted by Frank Fieler of the American Cancer Society.

National Telecommunicators Week – April 14 through April 20, 2002

The proclamation was accepted by Hugh McCaffrey, Director of Communications, and Police Chief Andrew Scott.

March of Dimes WalkAmerica Day – April 27, 2002

The proclamation was accepted by Shanna St. John.

AWARDS/RECOGNITIONS:

Distinguished Budget Presentation Award

Terry Sharp, the State representative for the Government Financial Officers Association (G.F.O.A.), presented this award to Office of Management and Budget Director Linda Davidson. This is the 18th consecutive year the City has received this award.

Certificate of Achievement for Excellence in Financial Reporting Award

Mr. Sharp presented this award to Financial Services Director Mervyn Timberlake. The City has received this award for the last 22 years.

CPR Day

David Woodside, a firefighter/paramedic with Fire-Rescue Services, advised that this Saturday, April 13, 2002 is National CPR Day. He urged all who are not trained in CPR to participate. He noted that the City had 1,087 participants last year, the highest number in the country.

MINUTES:

Minutes of the Regular Workshop Meeting of March 18, 2002
Minutes of the Regular Meeting of March 19, 2002

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – (3) vacancies due to term expirations of Aron Breslow, Roslyn K. Rudolph, and Evelyn Panagakos Lamia. Terms expire 04/23/02.

No one came forward to interview.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to re-appoint the incumbents. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Aron Breslow, Roslyn K. Rudolph, and Evelyn Panagakos Lamia were re-appointed.

- b. Builders' Board of Adjustment and Appeals – (1) one vacancy due to complete the term of Lee Walker. Term expires 02/15/04.

There were no applicants.

- c. Citizens' Pedestrian & Bikeway Advisory Board – (1) one vacancy due to resignation Paul Rockwell. Term expires 01/12/04.

No one came forward to interview.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to appoint Mark Traveis to the position. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Mark Traveis was appointed.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.2., Sodium Chloride, Solar Salt) A memorandum was distributed that provided detail regarding the sodium hypochlorite process vs. the chlorination process it replaces. There is less than a one-percent increase in cost.

(Consent Agenda Item 3.d.2., Traffic Video Detection System) A memorandum addressing the location and status of three new traffic signals was provided. They are located at the Banyans entrance at Clint Moore Road and NW 24th Way, Jog Road and the Woodfield Hunt Club North Entrance, and NW Boca Raton Boulevard and NW 28th Street. They are anticipated to be operational by mid-October 2002.

(Consent Agenda Item 3.k., Resolution No. 61-2002, relating to a sanitary and stormwater sewer project by LBFH, Inc.) A memorandum was provided outlining additional details regarding the scope of the project. Actual construction time is estimated at approximately one year. Public meetings are planned to discuss the project and determine ways to minimize the impact on property owners.

3. Consent Agenda:

Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to approve the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

a. Sealed Bids

- | | | |
|----|--|-----------|
| 1) | Glades Road Beautification
Requested by Recreation Services
B & A Construction Services, Group, Inc. | \$282,156 |
| 2) | Sodium Chloride, Solar Salt
Requested by Utility Service
Morton Salt | \$111,189 |

b. Sealed Renewal

- | | | |
|----|---|-----------|
| 1) | Plant Material Services
Requested by Recreation Services
Conco Horticultural, Inc. and
Sunquest Nursery of South Florida, Inc. | \$132,433 |
|----|---|-----------|

c. Competitive Sealed Proposal

- | | | |
|----|--|----------|
| 1) | Police Motor Boat-Replacement
Requested by Police Services
Contender Boats, Inc. | \$81,150 |
|----|--|----------|

d. Intergovernmental Agreements

- | | | |
|----|---|----------|
| 1) | Internet Detection Software
Requested by City Manager
National Business Group | \$27,043 |
| 2) | Traffic Video Detection System
Requested by Municipal Services
Mastec ITS of Florida, Inc. | \$65,387 |
| 3) | Traffic Signal Retrofit Kits-Replacement
Requested by Municipal Services
Traffic Products, Inc. | \$49,900 |

e. Sole Source

- | | | |
|----|--|-----------|
| 1) | 800 MHz Radio System Maintenance
Requested by Police Services
Motorola | \$115,466 |
|----|--|-----------|

f. Resolution No. 55-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Publix Super Markets, Inc., over certain lands located at 4141 North Federal Highway; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 56-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Spanish River Presbyterian Church, Inc., over certain lands located at 2400 Yamato Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 57-2002

A resolution of the City of Boca Raton approving and accepting a Special Warranty Deed from Spanish River Presbyterian Church, Inc., over certain lands located at 2400 Yamato Road; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 58-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Spanish River Presbyterian Church, Inc. ("Church") for the purpose of temporary use by the Church of City-owned property for parking, ingress and egress; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 59-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Panthers BRHC Ltd, over certain lands located at the Boca Raton Hotel & Club; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 61-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with LBFH, Inc. for the purpose of providing professional engineering services for sanitary and stormwater sewer facilities for the Area II Capital Improvement Project; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 62-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 1 to the Interlocal Agreement establishing the South Palm Beach County Communications Cooperative for the purpose of updating procedures for distribution of FCC radio licenses upon termination of the Agreement or withdrawal of any party to the Agreement; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 63-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the School Board of Palm Beach County related to Boca Raton High School; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 64-2002

A resolution of the City of Boca Raton defining "associate" for the purpose of interpreting contract provisions in City contracts which prohibit involvement in any political campaign for City elective office or any financial contribution to any such campaign; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 65-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the survey for the Erosion Control Line located south of the Boca Raton Inlet, between the Department of Environmental Protection Reference Monuments R-223.3 and R-227.9, which Erosion Control Line Survey ("Survey") has been approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; approving the Survey; authorizing the City Manager to record the Survey; providing for severability; providing for repealer; providing an effective date

p. Receive and File Board Orders

- 1) Special Master
 - a) SM(G) Case No. 1-3151
 - b) SM Case No. 1-4502
 - c) SM(G) Case No. 1-4519
 - d) SM(G) Case No. 1-4624
 - e) SM(G) Case No. 1-4838
 - f) SM(C) Case No. 1-5340
 - g) SM(G) Case No. 2-86
 - h) SM(C) Case No. 2-105
 - i) SM(C) Case No. 2-247

q. Receive and File Board Minutes – April 9, 2002

- 1) Community Appearance Board
 - February 19, 2002
 - February 26, 2002
 - March 5, 2002
 - March 12, 2002
- 2) Community Relations Board
 - January 7, 2002
- 3) Environmental Advisory Board
 - September 20, 2001
- 4) Historic Preservation Board
 - January 15, 2002
- 5) Marine Advisory Board
 - February 13, 2002
- 6) Parks and Recreation
 - February 12, 2002
 - January 16, 2002 (Public Hearing)
 - February 19, 2002 (Public Hearing)
- 7) Physically and Mentally Challenged Board
 - February 7, 2002
- 8) Planning and Zoning Board
 - February 7, 2002
- 9) Police and Firefighters' Pension Board
 - January 16, 2002
- 10) Special Master
 - February 13, 2002

REGULAR BUSINESS – PART II – QUASI-JUDICIAL PUBLIC HEARINGS:

4. Resolution No. 41-2002

A resolution of the City of Boca Raton amending Resolution No. 173-98 granting modification of the conditional use approval for Saint Andrews School on a parcel of land located at 3900 Jog Road, as described more particularly herein, to increase the student enrollment and to add a science building, open air chapel and a tennis support building; providing for severability, providing for repealer, providing an effective date (CA-01-08)

The City Attorney explained the quasi-judicial procedures that would govern the public hearings. The City Clerk administered the oath to those who intended to speak.

Planning and Zoning Director Carmen Annunziato gave the presentation, saying that the petitioner is requesting an amendment to the previously approved master plan. He defined the location, zoning, ingress and egress of the property in question. Six modifications were proposed relating to: 1) student enrollment, 2) the size of the Performing Arts building, 3) construction of an open-air chapel, 4) construction of a science building, 5) construction of a tennis support building, and 6) addition of 23 spaces to Parking Lot "C." An increase of 774 daily trips is expected. To offset the increase in traffic, the petitioner has agreed to enter into the Traffic Demand Management (TDM) Program, which would provide for a 5% trip reduction in both existing and new trips to the site. This stipulation is identified as Condition 20 in the resolution. Condition 13, which mandates that no new trips will be generated on N.W. 37th Street, was clarified. Mr. Annunziato then explained that the petitioner requested the deletion of Condition Nos. 14, 16 & 17, as they have all been satisfied. Eight residential units have been removed from the site as specified in Condition No. 14. The improvements to Yamato/Jog Roads, required prior to an increase in student enrollment as outlined in Condition No. 16, have already been constructed. Condition No. 17 also required road improvements to the intersection of Glades/Jog Roads before student enrollment could be increased; since Palm Beach County revised the roadway capacity, that condition has now been satisfied. In conclusion, staff recommended approval of these modifications and the deletion of Conditions 14, 16 & 17; the Planning and Zoning also recommended approval with the deletion of the three conditions as noted. Mr. Annunziato then responded to questions raised at yesterday's workshop. He and Traffic Engineer Doug Hess provided additional information to Council as requested.

Mayor Abrams opened the public hearing on Resolution No. 41-2002.

Ron Klein, the attorney representing the petitioner, answered questions from Council and provided clarification as requested. Attention was given to the hours of construction.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to adopt Resolution No. 41-2002, as revised.

Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to amend Resolution No. 41-2002, to provide that no construction shall commence on the site prior to 8:00 a.m. Motion carried 3-2; Council Members Freudenberg, Hager, and Hanson voting yes. Mayor Abrams and Deputy Mayor Haynie voted no.

The vote on the main motion for Resolution No. 41-2002, as revised and amended, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4637

An ordinance of the City of Boca Raton relating to the height of buildings and nonresidential building heights in single-family residential districts; amending Section 28-2, Code of Ordinances, Definitions, “height of building” to include “height of structures”; amending Section 28-340 “conditional uses”, and Section 28-342, “building height”, Code of Ordinances, to require conditional use approval for nonresidential buildings and structures (including without limitation public utility poles) in excess of fifty feet in height in single-family residential zoning districts and to provide supplemental standards for such conditional uses; providing for severability; providing for repealer; providing for codification; providing an effective date

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that this ordinance would amend three sections of the land development code and change the use of land. The first amendment relates to definitions and would clarify that “height of building” equates to “height of structure,” which includes public utility poles in excess of 50 feet in single-family districts. The second amendment proposes that non-residential buildings and structures, including public utility poles in excess of 50 feet in height, be listed as a conditional use in single-family districts. The last amendment proposes new language relating to non-residential buildings and structures in excess of 50 feet, which would require conditional use approval from the Council after review/recommendation by the Community Appearance Board and subject to the standards provided in this proposed ordinance and the conditional use approval standards provided in Code Section 28-102. Mr. Annunziato then answered questions from Council.

Mayor Abrams opened the public hearing on Ordinance No. 4637.

Karen Roselli, an attorney representing Sprint PCS, questioned the effect this ordinance would have on existing zoning and site plan approvals for construction of a replacement steeple/cell tower at the Camino Real Community Church. The City Attorney advised that this ordinance would not have a retroactive effect on projects that have already received the proper permits and approvals. Council also advised Ms. Roselli that, should she encounter any problems connected with her project, she might come before the Council again.

David Seabrook, the pastor of Camino Real Community Church, outlined the actions taken to satisfy the concerns of the community and the City. He then requested fairness from Council when considering this ordinance.

Carl Jacobs spoke in support of the ordinance.

Jean Howard, an attorney representing Florida Power & Light, voiced opposition to the ordinance and asked Council to reconsider same, stating that the ordinance was legally invalid.

Seeing no one else come forward, the public hearing was closed. As this ordinance proposes land change use, two public hearings are required. No vote was taken.

6. Ordinance No. 4638

An ordinance of the City of Boca Raton relating to Transportation Demand Management (“TDM”); creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring developments of a specified size to obtain approval of, and to implement, a TDM plan; providing for scope of Division 8; providing for definitions; providing for application for TDM plan approval; providing for contents of application; providing for TDM plan approval; providing for modification of TDM plan approval; providing for exempt developments, enlargement and renovation; providing for fee in lieu of participation, which fee in lieu of participation shall be paid instead of obtaining approval of, and implementing, a TDM plan; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager advised that, based on yesterday's workshop discussion, he was seeking direction as to how Council wished to proceed. It was agreed that a working group should be formed to address the issues raised at the workshop relating to Traffic Demand Management (TDM). Proposed members of the group would be representatives from Florida Atlantic University, the Boca Raton Resort & Club, Boca Raton Community Hospital, Arvida Park of Commerce, T-Rex, the State and the County, including transportation officials. Deputy Mayor Haynie volunteered to be the facilitator of this group, which would have approximately 60 days to resolve TDM issues. Therefore, no presentation was given on the ordinance.

Mayor Abrams opened the public hearing on Ordinance No. 4638.

Carl Jacobs voiced support of bicycling as an alternate method of travel. However, he did not think carpooling would be feasible since people today routinely work in different cities and have different time schedules.

Joseph Good supported bicycling and suggested that benefits be allocated to those developers who install lockers and showers at the workplace, while penalizing those who don't.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to continue Ordinance No. 4638 to the June 11, 2002 meeting. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

a. Resolution No. 54-2002

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule to set new user fees related to the City's Transportation Demand Management Program; providing for severability; providing for repealer; providing an effective date

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to continue Resolution No. 54-2002 to the June 11, 2002 meeting. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

7. Ordinance No. 4639 (As revised)

An ordinance of the City of Boca Raton amending Section 23-161 through Section 23-164, Code of Ordinances; amending Section 25-251 and Section 25-252, Code of Ordinances; amending Section 28-1646, Section 28-1647, Section 28-1648, Section 28-1653, Section 28-1654 and Section 28-1655, Code of Ordinances, to require certain new development, redevelopment, and additions to, and renovations of existing developments to provide safe and convenient bicycle and pedestrian facilities, to provide adequate bicycle parking facilities, and to optimize the comfort and safety of pedestrians and bicyclists; amending said Code provisions, where necessary, to provide for consistency with the Americans with Disabilities Act; amending sidewalk and bikeway policies and standards to allow the City to install sidewalks in existing subdivisions and assess the cost thereof against abutting properties, providing for severability; providing for repealer; providing for codification; providing an effective date (AM-01-07)

Bicycle/Pedestrian Coordinator Joy Puerta gave the presentation and provided background information as to how the proposed ordinance came into existence. Extensive detail regarding those sections of the Code to be amended relating to Sidewalks and Bikes, Off-street Parking and Loading, and Required Off-street Parking were outlined. She also expressed that the ordinance implements the requirements of the Americans with Disabilities Act (ADA). Ms. Puerta then provided a list of those municipalities, nationwide, that have developed comprehensive plans to implement alternative travel and delineated the benefits to be obtained from this ordinance. She noted that the Planning and Zoning Board recommended approval on a vote of 5-2. However, the P & Z Board raised several concerns, which have been addressed in the ordinance. Ms. Puerta then answered questions from Council.

The City Attorney provided clarification of two amendments to the ordinance. She referred to Page 4, Lines 13 through 15, and explained that the term, "facility," was revised to relate only to external components. Ms. Frieser then explained another change on Page 7, Line 23, which would now read, "...sidewalks shall **apply**," deleting the words, "be required." Last of all, a duplication of the term, "facility," would be deleted on Page 12, Lines 20 through 22.

Responding to Council, Mr. Ahnell clarified that sidewalks in single-family residential areas would be required, 1) for pedestrian safety, and 2) in order to achieve compliance with the ADA. He also clarified that in areas where sidewalks have previously been constructed, new sidewalks may conform in width to those already installed. Mr. Ahnell then provided additional information relating to ADA conformance as it pertains to existing buildings or facilities and stressed that the City's building inspectors work diligently to ensure that adherence is achieved. He concluded by stating that this ordinance allows the City to meet the ADA requirements mandated by the federal and state governments; it also addresses sidewalk links and bikeway issues.

Mayor Abrams opened the public hearing on Ordinance No. 4639. Seeing no one come forward, the public hearing was closed.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4639, as revised (second revision).

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to incorporate the amendments. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

The vote on the main motion for Ordinance No. 4639, as revised (second revision) and amended, carried on a 4-1 vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

8. Ordinance No. 4640

An ordinance of the City of Boca Raton authorizing the Mayor and City Council to execute a Sale and Purchase Agreement with the School Board of Palm Beach County for the purpose of the disposition of one parcel ("Disposition Parcel") and acquisition of another parcel ("Acquisition Parcel"), both parcels located generally south of N.W. 40th Street and east of Military Trail in the City of Boca Raton, Florida; the Acquisition Parcel consists of approximately 0.5 acre and the Disposition Parcel consists of approximately 12 acres; authorizing the Mayor and City Clerk, or the City Manager, to execute any documents provided for or contemplated by the Agreement, and to take any actions required for the implementation of the Agreement; providing for severability; providing for repealer; providing an effective date

Assistant City Manager George Brown gave the presentation and explained that the Agreement provides for the sale of 13.01 acres of City-owned land, from the Boca Technology property, to the School Board. The land is adjacent to another parcel, which the School Board is acquiring from SRA Building 51 Limited. As part of the transaction, the City will receive a 0.48-acre parcel of land from the School District. Mr. Brown explained that the School Board has agreed to pay carrying costs associated with the transaction. He then provided details related to those carrying costs. The land uses for this parcel include ballfields, soccer fields, and a track. The City will have the first right-of-refusal should the School Board decide to sell the land in the future or does not use it for public educational purposes. School Board staff and City staff are currently working on a separate interlocal agreement for joint use of the facilities. Mr. Brown noted that the City's transaction with the School Board is contingent on the transaction between the School Board and SRA Building 51 Limited. The Parks & Recreation Board and the Planning & Zoning Board have both reviewed this ordinance and have unanimously recommended approval. Mr. Brown mentioned that revisions to the ordinance have been made to address easement issues. He then concluded by thanking all parties involved for bringing this endeavor to fruition.

Mayor Abrams opened the public hearing on Ordinance No. 4640. Seeing no one come forward, the public hearing was closed.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Ordinance No. 4640, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART IV - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 4641

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 2.48 acres and located between N.W. 15th Avenue and Interstate 95 at the Boca Raton Community High School; providing for severability; providing for repealer; providing an effective date (SC-01-16)

The ordinance was introduced by Council Member Freudenberg.

10. Ordinance No. 4642

An ordinance of the City of Boca Raton providing for the vacation and abandonment of platted utility easements, located at N.W. 15th and 16th Streets and N.W. 15th Avenue in Country Club Village Section E, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-01-EA-07)

The ordinance was introduced by Deputy Mayor Haynie.

11. Ordinance No. 4643

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 16th Street, located between N.W. 15th Avenue and Boca Raton Community High School, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-01-03)

The ordinance was introduced by Council Member Hager.

12. Ordinance No. 4644

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a platted utility easement, located at 7898 North Federal Highway, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (E-00-EA-11)

The ordinance was introduced by Council Member Freudenberg.

13. Ordinance No. 4645

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of George A. Long Alley located between S.E. 5th and S.E. 6th Streets, west of Federal Highway in the Downtown Development of Regional Impact, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-00-05CRP)

The ordinance was introduced by Deputy Mayor Haynie.

14. Ordinance No. 4646

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of platted utility easements, located at 300 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-01)

The ordinance was introduced by Council Member Hager.

15. Ordinance No. 4647

An ordinance of the City of Boca Raton amending Section 19-92(2), Code of Ordinances, which provides that no building permit shall be required for repairs to an existing permitted fence or wall at an existing detached single-family residence which do not exceed \$1,000.00 in total cost, to clarify that work that includes a change of the building materials, width, height or location of a fence or wall shall not be considered a "repair" to the fence or wall, and shall require a building permit; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Mayor Abrams.

15.a. Ordinance No. 4649

An ordinance of the City of Boca Raton relating to substance abuse treatment facilities; amending Section 28-2, Code of Ordinances, to define substance abuse treatment facilities and social service activities; creating Section 28-197, Code of Ordinances, status of substance abuse treatment facilities; amending Section 28-743, Code of Ordinances, conditional uses in the R-B-1 Motel-Business District; amending Section 28-922, Code of Ordinances, permitted uses in the MC Medical Center District; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg and forwarded to the Planning and Zoning Board for review.

REGULAR BUSINESS - PART V - PUBLIC REQUESTS:

Carl Jacobs mentioned the incident where a contractor had illegally accessed a fire hydrant without any backflow equipment and opined that the City should exercise more control over contractors doing work for the City. He also suggested a \$1,000 deposit for fire hydrant meters to ensure that they are returned and, finally, he asked that the appearance of fire hydrants within the City be improved.

Sally Stewart voiced concern that the City has rented space for a fire truck at Boca Bayou. Mr. Ahnell explained that additional fire-rescue services were identified as being needed in that area. Boca Bayou was approached by the City to determine whether space could be rented temporarily until a station could be built in that vicinity (Dixie Highway & SW 18th St). Consequently, an agreement was reached with Boca Bayou. Per Ms. Stewart, the parking space belongs to Harbor Homes, not Boca Bayou. Mr. Ahnell is to follow up.

REGULAR BUSINESS - PART VI - RESOLUTIONS AND OTHER BUSINESS:

There was no other business to consider.

APPEAL OF COMMUNITY APPEARANCE BOARD DECISION:

16. Appeal of Community Appearance Board Decision
Sign – Altman Companies
Permit #98-2379

Planning & Zoning Director Carmen Annunziato gave the presentation and explained that the applicant was appealing the decision of the Community Appearance Board (CAB) to deny a permit for a sign, which utilizes exterior conduits. History showed that plans were submitted in 1998; permits were issued in 1999. The approved plans originally provided for electrical service to be installed from the inside of the building. A note was also written on the plans stating, "No exposed conduit on surface of building." In addition, the applicant was informed of same on April 20, 1999. In August 1999, a plan similar to the one approved prior was submitted to the CAB and reflected exterior conduit on the outside of the building; it was denied by the CAB. The applicant did not call for a final inspection and the sign was installed with exterior conduits. The violation was reported in November 2001, and the property manager was notified. The applicant subsequently applied for an after-the-fact permit to allow the sign. In February 2002, the CAB denied the request.

Grant Thornbrough, Chairman of the Community Appearance Board, provided additional information to Council as requested.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to support the CAB's decision for denial of the appeal. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

17. Boca Raton Airport Authority – Noise Compatibility Committee Update

Mr. Ahnell explained that the Airport Authority has established a noise compatibility committee, which will be comprised of 23 members. Two members each will be appointed, by their respective municipalities, to represent Boca Raton, Deerfield Beach, Delray Beach, and Highland Beach, for a total of eight; the remaining 15 members will be appointed by the Airport Authority. Term limits will be for one year. Mr. Ahnell stated that the purpose of the committee is to gather and evaluate information related to airport noise issues. He then asked for direction as to how to proceed in obtaining applicants for appointments and answered questions from Council.

Assistant City Manager George Brown provided information, as requested, regarding how the Airport Authority would proceed in obtaining applicants for their appointments.

The City Manager was directed to advertise for applicants in the same manner as for board members. City Council will make two appointments.

18. Martin Luther King, Jr. Foundation

Mr. Ahnell provided a breakdown of the costs involved in constructing the memorial. The total cost of the project is \$180,430, of which the City has previously donated \$51,000. The outstanding balance is \$49,413. Mr. Ahnell recommended that, should the Council wish to pay off the balance, the funding should be figured into next year's budget. In addition, the City would take over this area as a City park and continue to provide maintenance. Mr. Ahnell then answered questions from Council.

Motion was made by Council Member Hanson, seconded by Council Member Hager, to support the City Manager's recommendation. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Florida Power & Light Workshop

Mr. Ahnell asked Council Members to review their respective calendars for available dates in order to schedule a workshop with FPL to discuss the issue of the transmission lines. While no specific date was set at this time, Council was in agreement that a workshop meeting with Florida Power and Light should be scheduled for one evening next week.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Hager requested the status of construction on Spanish River Boulevard.

In response to questions from Council Member Hanson regarding the clean-up of the AMI Building, the City Manager stated that clean-up has not begun; the property is fenced, and 24-hour security is provided seven days a week.

Council Member Hanson inquired if the sign on the A1A bridge had been relocated since it was found to obstruct the bridge tender's view of pedestrian traffic on the bridge. Mr. Ahnell advised that the situation is under review, but reminded the members that it is a Florida Department of Transportation (FDOT) sign on an FDOT bridge.

In response to her query, Council Member Hanson was advised that all council members were having one-on-one meetings with Adelphia. Ms. Hanson asked for any records the City has regarding unsatisfied customers.

Council Member Hanson referenced the recent overall crime rate drop, but stated her dismay with the number of forcible rapes (14). She requested a brief synopsis of what measures are being taken to reduce this number, as well as a breakdown of the types of rapes that have occurred, e.g. date rape.

Council Member Hanson requested past records relating to the Boca Beach Club.

Council Member Hanson commented that incentives should be offered to property owners along North Federal Highway, north of Yamato Road, to "jumpstart" revitalization efforts in that area.

Council Member Hanson asked the City Attorney to proceed with drafting the "Weston" ordinance, which relates to the filing of candidate reports during elections.

Adding to her request to have Fire Review and Police Review reports included with the background information provided for development petitions, Council Member Hanson also requested School Impact Fee information be provided.

Council Member Hanson asked if the contract with Tri-County Humane Society restricted the handling of animals to only those within the City.

Council Member Hanson stated her displeasure that negotiations relating to the Cartoon Museum have continued to the point they have without the City's involvement

Deputy Mayor Haynie expressed appreciation to the City Manager for the final layer of pavement on NW 2nd Street.

Deputy Mayor Haynie commented favorably on her, and the Mayor's, experience on the dredge Meridian.

Deputy Mayor Haynie expressed appreciation to Fire-Rescue Services and the New York Fire Department for their participation in the softball exhibition game and tournament.

Deputy Mayor Haynie asked staff to find out the date when Tri-Rail will be holding a workshop on its new plans for its Boca Raton site. According to media reports, Tri-Rail is planning to construct a pair of 100,000 sq. ft. office buildings on their parcel.

Noting that the City of Lake Worth now has its commission meetings on the Internet, Deputy Mayor Haynie encouraged the City to do so as well.

Deputy Mayor Haynie asked for an update on the funding of the Spanish River Boat Dock, referencing the statement at yesterday's workshop, by Palm Beach County Commissioner Mary McCarty, that the County's participation in the funding has occurred.

Deputy Mayor Haynie stated that she enjoyed reading 'Fahrenheit 451', the book that the Literacy Coalition of Palm Beach County has asked all County residents to read between March 15 and April 29, 2002.

Referencing Mr. Jacobs' fire hydrant improvement campaign, Deputy Mayor Haynie stated that perhaps the City should consider instituting an "Adopt a Fire Hydrant" program.

In response to an earlier inquiry by Ms. Hanson, Council Member Freudenberg stated that Tri-County Humane Society cannot turn away any animals from within the City, but is not restricted from taking animals from other jurisdictions.

Council Member Freudenberg requested that board attendance records be included in the agenda material when incumbents are seeking reappointment.

In response to comments of Mayor Abrams regarding the difficulties being encountered in securing the appropriate permits to commence the Central Beach renourishment project, the City Manager stated that staff is continuing to seek assistance at the state and federal level. He further stated that it does not appear, at this time, that the project will go forward this fall. Mr. Abrams suggested that, in addition to working through the City's lobbyists and the Legislative Delegation, that assistance be directly sought from the congressional representatives for the coastal districts.

Mayor Abrams stated that he is requesting additional resources be allocated in next year's budget to address the vicious dog problem. He also suggested that the City utilize Channel 20, Crime Watch, or any other appropriate method to educate the public regarding properly fenced yards and the City's leash law. The City Manager advised that staff is surveying other cities to see what regulations they have in place.

Council Member Hager asked the City Manager to prepare a draft Request for Proposal (RFP) regarding the International Museum of Cartoon Art site. Council supported the request.

Appointment to the MPO (Metropolitan Planning Organization)

Deputy Mayor Haynie and Council Member Freudenberg were selected as the City's representatives on the Metropolitan Planning Organization (MPO). Council Member Hager was selected as an alternate.

ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:43 p.m. on Tuesday, April 9, 2002.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk