

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 14, 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 Hanson, seconded by Deputy Mayor Haynie, to amend the agenda to delete Consent Agenda Item No. 3.c.1. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

PROCLAMATIONS:

Emergency Medical Services Week – May 19 through 25, 2002

The proclamation was accepted by Dr. William Welhaf and Division Chief Bruce Angiers.

National Safe Boating Week – May 18 through 24, 2002

The proclamation was accepted by Flotilla Commander Art Mekenian, Public Affairs Officer Pat Feighery, Public Education Officer Gail Edelman and her husband, Jerry Edelman.

AWARDS/RECOGNITIONS:

There were no awards or recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of April 22, 2002
Minutes of the Regular Meeting of April 23, 2002

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, 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. Boca Raton Airport Authority – three (3) vacancies due to term expirations of Lawrence Rayman, George L. Lanham, and Philip Modder. Terms expire 06/01/02.

Robert DuKate interviewed for a position on the board.

Mayor Abrams referred Council members to the information provided relating to the attendance of current Airport Authority members, which was requested at yesterday's workshop.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to re-appoint Philip Modder and Lawrence Rayman in the category of "Resident Living East of I-95." Motion carried 3-2; Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Mayor Abrams and Council Member Hanson voted no.

Philip Modder and Lawrence Rayman were re-appointed.

In the remaining vacancy for "At-large Resident," Council Member Hager nominated Harold Ingraham; Council Member Hanson nominated Robert Dukate; Council Member Freudenberg nominated Peter Greenblatt; and Deputy Mayor Haynie nominated Ron Peasley. Nominations were then closed without objection.

In the voting: Mayor Abrams and Council Member Hanson voted for Robert DuKate; Deputy Mayor Haynie, Council Members Freudenberg and Hager voted for Harold Ingraham.

Harold Ingraham was appointed.

- b. Builders' Board of Adjustment and Appeals – one (1) vacancy for a general contractor. Term expires 02/15/04.

There were no applicants.

- c. Environmental Advisory Board – one (1) vacancy due to term expiration of Gary E. Eichler. Term expires 04/30/02.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Freudenberg, to appoint Maggie Barszewski. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Maggie Barszewski was appointed.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.2. – Tree Relocation Services) A memo was provided. Mr. Ahnell explained that while there were over 50 prospective bidders, only one vendor actually bid the project. That vendor was the only one with a very large tree spade, which was needed for the tree removals.

(Response relating to the cost for the Martin Luther King, Jr. project in Pearl City on Glades Road) Responding to Council Member Hanson's question from yesterday, Mr. Ahnell stated that the City applied for a grant in the amount of \$455,000.

3. Consent Agenda:

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to approve the Consent Agenda minus Item No. 3.m., which would be considered immediately after the Consent Agenda and before "Regular Business – Part II – Quasi-judicial Public Hearings." Motion carried unanimously; Mayor Abrams, Deputy Mayor Hanson, Council Members Freudenberg, Glass and Haynie voting yes.

a. Sealed Bids

- | | | |
|----|--|-----------|
| 1) | Fence Installation, Removal and Repairs
Requested by Recreation Services, Municipal Services
Anything In Fence | \$59,400 |
| 2) | Tree Relocation Services
Requested by Recreation Services
Tree Movers, Inc. | \$53,544 |
| 3) | Water Treatment Plant Color Reduction Polymer
Requested by Utility Services
Stockhausen, Inc. | \$116,021 |

b. Competitive Sealed Proposal

- | | | |
|----|--|----------|
| 1) | In Car Video Camera System (New)
Requested by Police Services
Mobile Vision Inc. | \$59,925 |
|----|--|----------|

c. Intergovernmental Agreements

- | | | |
|----|--|----------|
| 2) | Tractor Loader (New)
Requested by Recreation Services
John Deere Company | \$38,928 |
|----|--|----------|

d. Sole Source

- | | | |
|----|---|----------|
| 1) | Security System and Energy Management
Equipment Maintenance
Requested by Municipal Services
Johnson Controls, Inc. | \$62,122 |
|----|---|----------|

e. Resolution No. 79-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Palm Beach County for the purpose of development of the Dr. Martin Luther King, Jr. Memorial; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 80-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Land Stewardship Company for the purpose of providing professional landscape architecture services; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 81-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Hazen and Sawyer, P.C. for the purpose of providing consulting engineering services related to the evaluation of the existing Wastewater Treatment Plant activated sludge process aeration system; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 82-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Financial Assistance Agreement with Palm Beach County for the purpose of the beautification of Military Trail from the Hillsboro Canal to SW 18th Street; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 83-2002

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in August 2002; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 84-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a cooperative agreement with the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, for the purpose of supporting the G.R.E.A.T. (Gang Resistance Education And Training) Program to prevent gang participation; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 85-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Phoenix Consulting Group, Inc. for the purpose of providing security consulting services for the City; providing for severability; providing for repealer; providing an effective date

1) Resolution No. 86-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Phoenix Consulting Group, Inc. for the purpose of providing security consulting services for the City; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 88-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for a Community Oriented Policing Services (COPS) Universal Hiring Program Grant; authorizing acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

n. Board Resignation

- 1) Resignation of Marian Pearlman Nease from the Pearl City Blue Ribbon Committee

o. Receive and File Board Orders

- 1) Special Master
 - a) SM(C) Case No. 01-2744
 - b) SM(C) Case No. 1-3169
 - c) SM(G) Case No. 01-4945
 - d) SM(G) Case No. 2-334
 - e) SM(G) Case No. 2-40
 - f) SM(G) Case No. 2-381
 - g) SM(G) Case No. 2-456

p. Receive and File Board Minutes – May 14, 2002

- 1) Citizens Pedestrian and Bikeway Advisory Board
February 11, 2002
March 11, 2002
- 2) Civil Service Board Hearing
November 29, 2001
- 3) Community Appearance Board
March 26, 2002
April 2, 2002
April 9, 2002
- 4) Education Advisory Board
March 25, 2002
- 5) General Employees' Pension Board
March 6, 2002
- 6) Historic Preservation Board Meeting
February 6, 2002
March 12, 2002
- 7) Library Advisory Board
February 20, 2002
- 8) Marine Advisory Board
March 13, 2002
- 9) Police and Firefighters' Pension Board
March 20, 2002

m. Resolution No. 89-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for, on behalf of the Boca Raton Historical Society, Inc., a grant from the Florida Department of Transportation for the Transportation Efficiency Act for the 21st Century (TEA-21); authorizing the acceptance of said grant on behalf of the Boca Raton Historical Society, Inc., if awarded; authorizing the execution of a subgrantee agreement with the Boca Raton Historical Society, Inc. for the purpose of insuring compliance by the Boca Raton Historical Society, Inc. with the terms and conditions of said grant, if awarded, including the provision of matching funds; authorizing and directing the City Manager to require the Boca Raton Historical Society, Inc. to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

The City Manager explained that this is an additional grant application for \$250,000 to obtain TEA-21 funding for the Boca Raton Historical Society (BRHS) to be used for the restoration project at the train station. If awarded, the BRHS would provide matching funds of \$85,000. Mr. Ahnell then answered questions from Council.

Council Member Hanson voiced concern that funding for the mid-block crossing at Pearl City may not be forthcoming, due to dollars being earmarked for other projects. Discussion followed relating to funding, prioritizing, and the Metropolitan Planning Organization (MPO), which is the entity that prioritizes project requests.

During the public hearing, Susan Saxton spoke in support of the resolution.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 89-2002. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

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

4. Resolution No. 78-2002

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for South Beach Park located at 2 South Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-02-02)

The City Attorney explained the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who planned to speak on the petition.

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that the City has proposed to redevelop South Beach Park; some improvements would be located seaward of the Coastal Construction Control Line (CCCL). Mr. Annunziato provided the location of the park and identified those roads and structures in close proximity to same. The site plan was then reviewed; vehicular/pedestrian access and circulation, and parking was also outlined. Details were provided relating to renovation of existing facilities, the dune walkover, three new pavilions/shelters, new restrooms and showers, two new playgrounds, and open space and landscaping enhancements.

Mr. Annunziato then explained that, since this is a variance setback request for a CCCL, Council was being asked to consider making "findings of fact." Staff noted that this variance was based on special and unique circumstances; the variance request is for the minimum necessary in order for the City to make use of this property; granting the variance would benefit the citizens of Boca Raton; and the variance is consistent with the Comprehensive Plan. The Environmental Advisory Board and the Parks and Recreation Board reviewed this application and recommended approval with conditions. One condition imposed by the Parks and Recreation Board was to remove a pavilion to be located at the center of the entrance off of Palmetto Park Road, since members felt the pavilion took away open space and interfered with the view to the east. In conclusion, staff recommended approval subject to conditions. Mr. Annunziato then answered questions from Council. Deputy Director of Recreation Services Buddy Parks also provided additional information as requested.

Council Member Hanson asked for an amendment to the resolution requiring the presence of an environmental officer during the demolition phase to protect the dune, the plants, and the trees.

During the public hearing, JoAnn Landon spoke in support of the resolution and Council Member Hanson's proposed amendment.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to adopt Resolution No. 78-2002.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to amend Page 5, Line 1, to add language generally consistent with the following: "In addition, a qualified environmentalist/biologist shall be present at all times during construction which directly affects the environmental areas to monitor construction and ensure compliance with all environmental conditions contained herein." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Deputy Mayor Haynie, seconded by Mayor Abrams, to amend Page 6, Line 24, to add language generally consistent with the following: "...and the associated paver areas shall be appropriately redesigned." 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, as 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. 4648

An ordinance of the City of Boca Raton amending the Fiscal Year 2001-2002 budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation, providing a detailed overview of Sections 1 through 11 of the ordinance and answering questions from Council as requested. Revenues and expenditures were outlined for the following funds: 1) the General Fund, 2) the Law Enforcement Trust Fund (LETF), 3) the Transportation Fund, 4) the Debt Service Fund, 5) the Capital Improvements Program Fund, 6) the Water and Sewer Operating Fund, 7) the Water and Sewer CIP Bond Fund, 8) the Cemetery/Mausoleum Fund, 9) the Workers' Compensation Fund, 10) the Group Medical Self Insurance Fund, and 11) the Liability Self Insurance Fund. The total of additional revenues and expenditures of the Second Quarterly Budget Amendment Ordinance is \$12,182,000.

No one wished to speak at the public hearing.

Motion was made by Council Member Hanson, seconded by Council Member Hager, to adopt Ordinance No. 4648. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

6. Ordinance No. 4649 (First of two required public hearings. No vote will be taken.)

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

Manager of Administrative Services Ruby Childers gave the presentation, stating that this ordinance was introduced on April 9, 2002, and subsequently referred to the Planning and Zoning Board (P & Z Board). On May 2, 2002, the P & Z Board unanimously recommended approval. Ms. Childers outlined, in detail, those sections of the Code, which would be amended should this item be approved. In general, the amendment would allow Substance Abuse Treatment Facilities as conditional uses within the R-B-1 zoning district and as a permitted use within the MC Zoning District; define Substance Abuse Treatment Facilities and social service agencies; establish minimum criteria for such facilities and include a timeframe for compliance for existing facilities after the effective date of the ordinance. Ms. Childers summarized by stating that these amendments would limit the area that may be devoted to institutional

uses and result in greater compatibility with permitted uses. She concluded that, if approved, the ordinance would provide for more restrictive local regulation, similar to the State legislation on substance abuse treatment facilities. Staff recommended approval.

No one wished to speak at the public hearing. Mayor Abrams noted that a second public hearing is required; therefore, consideration of the ordinance would be deferred to the next Council meeting, scheduled for May 29, 2002.

REGULAR BUSINESS – PART IV – SETTLEMENTS

7. a) Settlement of Liability Claims
Claim Nos. GL00-0055-MS and GL00-0056-MS

Risk Manager Pam Gardner gave the presentation, asking for settlement of the above claims. She provided a brief overview of the claims' history and the actions taken by the City to date. In conclusion, staff recommended settlement, as did the City's liability special counsel, James Barry of Adams, Coogler, Watson, Merkel, Barry and Kellner, for a total of \$200,000.

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

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. Ordinance No. 4650

An ordinance of the City of Boca Raton authorizing, pursuant to the terms and provisions of Ordinance No. 4418 (the "Original Ordinance"), the issuance of not exceeding \$20,000,000 in Water and Sewer Revenue Refunding Bonds, Series 2002 (the "Series 2002 Bonds") to currently refund certain outstanding Water and Sewer Revenue Bonds of the City, making such Series 2002 Bonds subject to the terms and provisions of the Original Ordinance; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

9. Ordinance No. 4651

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of special purpose utility easements, located at 261 N.W. 13th Street, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (E-01-EA-06)

The ordinance was introduced by Deputy Mayor Haynie.

10. Ordinance No. 4652

An ordinance of the City of Boca Raton amending Section 10-64, Code of Ordinances, to prohibit construction activity, including alterations, repairs or demolition, between the hours of 7:00 A.M. and 8:00 A.M. on Saturday (in addition to all other times where such activity is currently prohibited), where such activity causes noises whose levels exceed the noise limits in the City Code; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Hanson.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

JoAnn Landon requested Council's help in stopping the destruction of healthy trees by the Department of Agriculture (DOA) as part of their quest to eradicate citrus canker. She then commented on the landscape material at Military Trail/Jog Road, stating that it does not look healthy. She also asked that species planted along the road be more varied. The City Manager explained that the contractor is obligated to maintain the trees;. On the topic of the City's tree ordinance, Ms. Landon suggested that it is out of date; however, there are arborists willing to work with the City to revise it. Last of all, Ms. Landon stated that the Hong Kong Orchid trees sold to the City by a particular vendor are not Hong Kong Orchids, as these trees have pods. She asked the City Manager to investigate

Jodie Warmack asked the City to become a party to the Palm Beach County lawsuit against the DOA and its citrus canker eradication program.

Rob Ross also asked the City to become involved in the abovementioned lawsuit, stating that the focus in this suit is on the data being used by the Department of Agriculture to support their eradication efforts. He mentioned the 1900-foot radius rule, in particular.

Attorney Barry Silver encouraged the City to join the Palm Beach County lawsuit, stating that the DOA is ready to take away all rights from citizens by declaring a state of emergency, due to citrus canker, which is endemic to the area.

Carl Jacobs spoke in opposition to placing the downtown library in the International Museum of Cartoon Art building. He then advocated meter deposits on hydrants and a proposed schedule of fines for violations incurred relating to fire hydrants and water meters.

Citrus Canker Litigation

Council Member Hanson questioned whether there was interest on the part of other Council members to join the citrus canker lawsuit in Palm Beach County. Before Council responded, the City Attorney was asked to provide her perception of how well the Broward County suit was proceeding.

Ms. Frieser advised that continuing with the citrus canker lawsuit in Broward County would be the best direction to take, as the suit is proceeding quite well, and the judge is very knowledgeable. In addition, as a complaint has not yet been filed in Palm Beach County, it would be very difficult for her to advise Council on whether or not to join it. Ms. Frieser concluded by stating that she is very comfortable with the quality and level of representation that the City of Boca Raton is receiving through the Broward County Chief Appellate Counsel. Ms. Frieser then provided additional clarification regarding the lawsuit that the City is pursuing in Broward, which challenges the constitutionality of the recently adopted Statute relating to the 1900-foot radius rule.

Ms. Frieser also advised Council that she had spoken with the Palm Beach County attorney; there is no change in their position, and they will not be joining in the lawsuit.

Responding to concerns expressed by Council, the City Attorney explained what recourse would be available in the event that the lawsuit in Broward was unsuccessful and the DOA moved forward to destroy trees in Palm Beach County. Council Member Hanson confirmed with Ms. Frieser that an injunction could be sought in Palm Beach County to halt the DOA. In turn, Ms. Frieser confirmed with Council that should the City not receive the hoped-for result at the Thursday meeting, she is directed to move forward with Palm Beach County. The City Attorney also commented that she would not commence the matter anew but would utilize complaints already filed in Broward County.

The City Attorney then focused attention on the issue of representing certain named City residents in the main action, which would serve important public purposes as outlined in her memo to the Mayor and Council, dated May 14, 2002, regarding the citrus canker legislation. Ms. Frieser read that memo into the record and also stated that the first three individuals who contacted the City and provided copies of their IFOs are the property owners who would be represented.

Motion was made by Council Member Hager, seconded by Council Member Hanson, to provide authorization to the City Attorney consistent with the aforementioned memo. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS - PART VII - RESOLUTIONS AND OTHER BUSINESS:

There was no other business to consider.

APPEAL OF BOARD DECISIONS:

11. City of Boca Raton
3700 Block of NW 4th Avenue
Zoning Board of Adjustment / Case No. BA-01-26

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that the City applied for two variances relating to reductions in lot frontage and lot area. He then provided detailed information regarding location, zoning, and size of the area in question. Mr. Annunziato explained the standards for granting variances and expressed the following points: 1) the land was deeded to the City by the Federal government in 1950 in its current configuration; the City has not changed the lot size, 2) the tract closely approximates lot frontage and lot area zoning district requirements, 3) the requested variances will allow development of a single-family home consistent with development in the area, which serves the public welfare and provides stability to the neighborhood, and 4) development of a single-family home is consistent with the Future Land Use category of the Comprehensive Plan and with the uses permitted in the R-B-1 zoning district. Mr. Annunziato concluded by stating that the Zoning Board of Adjustment (ZBA) voted 1-3 to deny the request, possibly based on the testimony of several property owners in the area. Staff recommended Council overturn the decision of the ZBA, since the variances do meet the standards outlined in the City Code. Mr. Annunziato then answered questions from Council.

Steve Utrecht, Chairman of the Zoning Board of Adjustment, commented on the Board's deliberations.

Martin Muragney (phonetic) opposed the variances, stating that he has been taking care of the lot for years at no cost to the City and asking that the site be converted to a pocket park.

Richard Santano opposed the variance, explaining that he wished to purchase the land and merge it with his property.

During the discussion that followed, several issues were brought forward. It was noted that, despite the requested variances, the lot size would still be in keeping with what is currently found in the neighborhood. Regarding the idea of turning the lot into a pocket park, the Parks and Recreation Board had previously reviewed that parcel and deemed the lot unsuitable, since another pocket park was being designated several blocks down the street.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to grant the appeal. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager reminded those present of the City picnic, scheduled for this Saturday, May 18, 2002.

CITY ATTORNEY REPORTS:

The City Attorney reported that an Executive Session was held yesterday, relating to Premier Aviation, and a subsequent session may be necessary. Therefore, she requested authorization from Council to schedule same, when and if appropriate.

Motion was made by Council Member Hager, seconded by Council Member Hanson, authorizing the City Attorney to schedule an Executive Session, when and if appropriate. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Hanson commented that a "sold" sign has appeared on the Amber restaurant. Mr. Ahnell stated that the City received notice of the pending sale; the purchaser has indicated that the building will be renovated. Staff is continuing to monitor the property.

Council Member Hanson questioned whether the Kingsbridge Square area would be refurbished. Mr. Ahnell stated that an application for redevelopment has been filed and is expected to come before Council in June or July.

Council Member Hanson mentioned that one of the Palm Beach County Sheriff's trailers is still parked at the Holiday Inn in Highland Beach. She questioned how many trailers the sheriff has and whether the City might be able to borrow one.

Council Member Hanson referenced Kinko's on Federal Highway, stating that she has received complaints that their trucks are using 32nd Street and 28th Street to cut through the neighborhoods. Signs are posted advising that no trucks are allowed in that area. Ms. Hanson asked that staff determine whether Kinko's is prohibited from cutting through the neighborhoods as a condition of their approval. Mr. Ahnell is to follow up.

Commenting on the proposed location of a cell tower at the Camino Real Community Church, which houses a school, Council Member Hanson questioned whether that was allowable by law. She was advised that, since it is a private school, the City has no jurisdiction in that regard.

Referencing the Boca Beach Club, Council Member Hanson requested a copy of information related to the November 2, 1976 special election.

Deputy Mayor Haynie questioned whether the team seeking to enter the AMI building for the purpose of studying anthrax had been in contact with the City to coordinate efforts to re-open the building. Mayor Abrams referenced recent newspaper articles and press releases relating to this issue, saying that AMI has not sanctioned this effort nor come to an agreement with any federal agencies. Mr. Ahnell advised that the City has not been contacted by any agencies at this time; however, staff will monitor the situation.

Deputy Mayor Haynie stated that repairs being made to the fountain in Mizner Park have created a mess and a safety hazard, even though the contractor has endeavored to keep the area safe. She questioned the duration of this process, stating that it is very invasive. Mr. Ahnell explained that this fountain is not the main fountain, which has yet to be repaired; these are minor repairs. He is to follow up. Deputy Mayor Haynie mentioned that a resident in Country Club Village is having trouble with beehives. She questioned whether the City has an ordinance addressing the location of beehives, and if not, can the City inquire if beehive location is regulated in other cities. The City Manager is to follow up.

Deputy Mayor Haynie explained that a workshop was held Monday, May 6, 2002, to discuss Transportation Demand Management (TDM) with staff and members of the business community; the meeting went well. Staff will schedule a follow-up meeting on May 20, 2002, and recommendations will be forthcoming. Ms. Haynie mentioned that the Boca Raton Resort & Club and T-Rex have already initiated strategies to help alleviate traffic congestion. It is possible that TDM might ultimately be instituted in two phases: Phase One would begin in the downtown as a test area; Phase Two would be citywide.

Council Member Freudenberg voiced concern about the proposed location of aboveground fuel tanks at the Boca Raton Airport, citing their proximity to Muvico and security issues. He asked the City Manager to forward to the Airport Authority, a copy of the City Code section that addresses bulk storage of flammable liquids.

Council Member Freudenberg provided brief history of the efforts involved in finding an appropriate use for the International Museum of Cartoon Art building. He suggested that the Library Advisory Board may wish to discuss the idea of relocating the library to this site at their meeting this week.

Council Member Freudenberg reported on the Florida Power & Light (FPL) meeting he attended, along with the City Manager, saying that the City "agreed to disagree" with how FPL arrived at their final solution regarding the route for the transmission poles. Mr. Ahnell added that FPL is to provide a preliminary line route to the City by the end of the month. In addition, FPL did agree to mitigate the impact of this route on the area; landscaping was discussed. The City Manager suggested enlisting the help of people who live in the affected neighborhoods; they could review the plans and offer recommendations for mitigation. Mayor Abrams cited recent examples of several City advisory boards acting in an independent capacity and asked the City Manager to provide guidance to these boards as to their defined and appropriate roles.

Council Member Hanson requested a copy of the new, revised summer meeting schedule.

Council Member Hager referred to the suggestion that the International Museum of Cartoon Art building be used as the new downtown library, and expressed that he would like input from mothers with babies, and small children in strollers, as to their perception of high-rise parking garages. It was suggested that input from the Library Advisory Board would be helpful as well.

ADJOURNMENT:

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:33 p.m. on Tuesday, May 14, 2002.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk