

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MARCH 25, 2003  
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 Bill Hager

Council Member Dave Freudenberg and Council Member Carol Hanson were absent (excused).

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to amend the agenda to add an Emergency Bid for Protective Barriers as Item 3.t. and Resolution No. 58-2003 as Item 3.u. to the Consent Agenda, and to add Ordinance No. 4701 as Item 10.a. to Part V – Introduction of Ordinances. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

**PROCLAMATIONS/PRESENTATIONS:**

The Fiftieth Anniversary of AFRICA USA – March 22, 2003  
Members of the Pedersen family and the President of the Camino Gardens Homeowners Association were present to accept the proclamation.

Macular Degeneration Awareness Week – April 7 through April 13, 2003  
The proclamation was accepted by members of the Foundation Fighting Blindness.

**AWARDS/RECOGNITIONS:**

There were no awards or recognitions.

**MINUTES:**

Minutes of the Regular Workshop Meeting of February 24, 2003  
Minutes of the Regular Meeting of February 25, 2003

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the minutes as presented. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

## **REGULAR BUSINESS - PART I:**

### 1. Appointments to the following boards:

- a. Community Appearance Board – one (1) vacancy, to complete the term of J. Patrick Lynch (Architect), whose term expires 09/20/04.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to appoint Juan Caycedo to the Community Appearance Board. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

Juan Caycedo was appointed to the Community Appearance Board.

- b. General Employees' Pension Board – one (1) vacancy due to term expiration of Susan Baumel, whose term expires 03/29/03.

Mayor Abrams noted that Robert O'Brien withdrew from consideration.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to appoint Carole Marko to the General Employees' Pension Board. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

Carole Marko was appointed to the General Employees' Pension Board.

- c. Police & Firefighters' Pension Board – two (2) vacancies due to term expirations of Steven R. Tubbs and Mervyn C. Timberlake, whose terms expire 03/29/03.

Peter McCallister interviewed for the vacancy.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to appoint Mervyn Timberlake and Peter McCallister to the Police and Firefighters' Pension Board. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

Mervyn C. Timberlake and Peter McCallister were appointed to the Police and Firefighters' Pension Board.

- d. Planning & Zoning Board – four (4) vacancies; three vacancies due to term expirations of Frank J. Gulisano, Robert B. Hagerty, and Lawrence M. Sehres, whose terms expire 03/31/03; and one vacancy due to resignation of Joanne Morrison, whose term expires 03/31/05.

Steven Utrecht interviewed for the vacancy.

Council Member Hager nominated Jorge Garcia, Frank Gulisano, Robert Hagerty and Steven Utrecht. Deputy Mayor Haynie nominated Lawrence Sehres and Joanne Morrison. There being no other nominations, the nominations were closed.

In the voting: Mayor Abrams voted for Messrs. Gulisano, Hagerty, Sehres and Utrecht; Deputy Mayor Haynie voted for Messrs. Gulisano, Hagerty, Sehres and Ms. Morrison; and Council Member Hager voted for Messrs. Garcia, Gulisano, Hagerty, and Utrecht.

As three votes were required to make an appointment, Frank Gulisano and Robert Hagerty were appointed to terms expiring March 31, 2006. The two remaining vacancies will be readvertised and considered at the April 8, 2003 meeting.

- e. Zoning Board of Adjustment – two (2) vacancies due to term expirations of Charles B. Schwaderer, II and Ryan Shoup, whose terms expire 04/10/03.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to appoint Jeff Barker and Ryan Shoup to the Zoning Board of Adjustment. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

Ryan Shoup was re-appointed and Jeff Barker were appointed to the Zoning Board of Adjustment.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.b.1. / Competitive Sealed Proposal – Republic Construction & Development) A memorandum was provided. Mr. Ahnell detailed other projects performed locally, including for the City, by Republic. In addition, an extensive reference check of the firm was conducted.

(Consent Agenda Item 3.k. / Resolution No. 51-2003) A memorandum was provided. Mr. Ahnell advised that the City has a proactive sanitary sewer line rehabilitation program for which the Utility Services Department budgets between \$1 and \$1.5 million per year.

(Consent Agenda Item n. / Resolution No. 54-2003) A memorandum was provided. The City Manager corrected the memorandum, which stated the dock was completed; it is actually in the planning stage.

3. Consent Agenda:

Referencing items on the Consent Agenda that relate to the sanitary sewer system, Carl Jacobs provided a zelar and commented on some problematic manhole covers and some areas with persistent sewage problems. The City Manager advised that the Utility Services Director is aware of the problems and they will either be addressed within the study to be approved by Resolution No. 51-2003, or in the currently occurring investigation. Mr. Ahnell will follow up with a report.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the Consent Agenda as amended. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

a. Sealed Bids

- 1) Weatherproofing - Paver Block & Decorative Concrete  
Pressure Cleaning and Sealing  
Requested by Municipal Services  
Roof Painting by Hartzell Inc. \$36,888
- 2) Off-Road Utility Vehicles (Replacement)  
Requested by Municipal Services  
Kilpatrick Turf \$54,815

b. Competitive Sealed Proposal

- 1) Fire Rescue Station #7  
Requested by Fire-Rescue Services  
Republic Construction & Development Corp. \$1,562,000

c. Sealed Renewals

- 1) Water Treatment Plant Corrosion Control Product - Renewal  
Requested by Utility Services  
CalciQuest Inc. \$64,218

- 2) Printing and Distribution of the Recreator - Renewal  
Requested by Recreation Services  
Sun Sentinel Direct \$63,215
- d. Intergovernmental Agreements
  - 1) Sanitary Sewer Lining Rehabilitation  
Requested by Utility Services  
Azurix North America Underground Infrastructure, Inc. \$500,000
  - 2) Sanitary Sewer Manhole Rehabilitation  
Requested by Utility Services  
Chaz Equipment Co., Inc. \$50,000
  - 3) Document Management and Scanning System (Replacement)  
Requested by City Manager  
R&S Integrated Products & Services Inc. \$49,267
- e. Sole Source
  - 1) Property Insurance  
Requested by Financial Services  
Beacon Group, Inc. \$666,000

f. Resolution No. 46-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 47-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 48-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 49-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 50-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 12 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 51-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 12 with Hazen and Sawyer, P.C. for the purpose of providing engineering services for a sewer system evaluation survey (Pilot Study) and sewer rehabilitation; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 52-2003

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 beautification of Yamato Road from Jog Road to approximately one-half mile west of Jog Road; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 53-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Inland Navigation District for the purpose of purchasing a fire rescue boat; authorizing the 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. Resolution No. 54-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Florida Inland Navigation District Waterways Assistance Program for a police educational facility; authorizing the acceptance of said grant, if awarded; providing that the City will comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 55-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Department of Justice for a "Byrne" Federal Drug Control and System Improvement Grant; authorizing the 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

p. Employee Election Certifications

- 1) Certification of the election of Judi Ahern as a trustee on the General Employees' Pension Board for the term to expire on March 29, 2006.
- 2) Certification of the election of Leigh Sommer as a trustee on the Police and Firefighters' Pension Board for the term to expire on March 29, 2005.
- 3) Certification of the election of James Muro as a trustee on the Police and Firefighters' Pension Board for the term to expire on March 29, 2005.

q. Resignations

- 1) Resignation of Charles B. Schwaderer II from the Zoning Board of Adjustment

r. Receive and File Board Orders

- 1) Special Master
  - a) SM (C) Case No. 00-2195
  - b) SM (G) Case No. 02-00001100
  - c) SM (C) Case No. 02-00001116
  - d) SM (C) Case No. 02-00002917
  - e) SM (G) Case No. 02-00003370
  - f) SM Case No. 02-00003387
  - g) SM (G) Case No. 02-00003480
  - h) SM (G) Case No. 02-00003523
  - i) SM (G) Case No. 02-00003560
  - j) SM (G) Case No. 02-00003654
  - k) SM (C) Case No. 02-00004043
  - l) SM (C) Case No. 02-00004078
  - m) SM (G) Case No. 03-00000068
  - n) SM (G) Case No. 97-869
  - o) SM (G) Case No. 02-00002664
  - p) SM (G) Case No. 02-00002666
  - q) SM (G) Case No. 02-00003611
  - r) SM (G) Case No. 02-00004080
  - s) SM (G) Case No. 02-00004113
  - t) SM (G) Case No. 03-00000006
  - u) SM (G) Case No. 03-00000155
  - v) SM (G) Case No. 03-00000167
  - w) SM (G) Case No. 03-00000268
  - x) SM (G) Case No. 03-00000277

s. Receive and File Board Minutes – March 25, 2003

- 1) Community Appearance Board  
January 28, 2003  
February 11, 2003  
February 18, 2003
- 2) Education Advisory Board  
January 27, 2003
- 3) General Employees' Pension Board  
January 8, 2003
- 4) Historic Preservation Board  
January 7, 2003  
January 21, 2003
- 5) Library Advisory Board  
January 15, 2003
- 6) Marine Advisory Board  
January 21, 2003
- 7) Parks and Recreation  
February 4, 2003

- 8) Pearl City Blue Ribbon Committee  
January 23, 2003
- 9) Physically & Mentally Challenged Board  
January 2, 2003
- 10) Planned Unit Development Subcommittee  
December 13, 2002
- 11) Planning and Zoning Board  
December 5, 2002  
January 9, 2003
- 12) Police & Firefighters' Pension Board  
January 15, 2003
- 13) Special Master  
January 8, 2003
- 14) Telecommunications Advisory Board  
January 6, 2003

t. Emergency

- 1) Defense Barrier System for City Wide Facilities  
Requested by Police Services  
Protective Barrier Services, Inc. \$59,800

u. Resolution No. 58-2003

A resolution of the City of Boca Raton expressing opposition to Senate Bill 1164 and House Bill 113 which set forth amendments to the Bert J. Harris, Jr. Private Property Rights Protection Act and any and all other proposed amendments that would subject local and state governments to further liability for the constitutional exercise of their legislative and quasi-judicial responsibilities and powers; authorizing the City Manager to transmit a copy of this resolution to the President of the Senate, Speaker of the House and Governor, the Chairpersons of various committees of the 2003 Florida Legislature, and members of the Boca Raton Legislative Delegation; providing for severability; providing for repealer; providing an effective date

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

There was no business to consider under Part II.

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

4. Ordinance No. 4693 (Revised)

An ordinance of the City of Boca Raton, Florida, authorizing the negotiation of a loan in an aggregate amount not to exceed \$3,000,000 from the First Florida Governmental Financing Commission; approving the refinancing of a prior loan made by the Commission to the City; approving the execution and delivery of a loan agreement with the First Florida Governmental Financing Commission; approving the execution and delivery of an Escrow Deposit Agreement; approving the execution of and delivery of a Continuing Disclosure Certificate; providing certain other matters in connection with the making of such loan; and providing an effective date

The City Manager advised that Financial Services Director Mervyn Timberlake had just informed him that changes to the document from the First Florida Governmental Financing Commission attorneys had just been received and therefore, he recommended a continuance until the April 8, 2003 meeting.

The public hearing was opened and closed with no one coming forward to speak.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to continue the public hearing on Ordinance No. 4693 to April 8, 2003. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

5. Ordinance No. 4695 (First of two required public hearings.)

An ordinance of the City of Boca Raton amending Article XII, Division 2, Code of Ordinances, to add a new Section 28-985 to create a new conditional use to be known as a conditional intermodal node use (a use promoting the movement of people by modes of travel other than the automobile), and certain subordinate conditional uses contained in a conditional intermodal node, in the light industrial research park (LIRP) zoning district; establishing land development regulations for a conditional intermodal node use; providing for severability; providing for repealer; providing for codification; providing an effective date

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, explaining that the public hearing tonight was the first of two public hearings. The ordinance would create a new Code section entitled, "Conditional Intermodal Node," in the LIRP zoning district. Ms. Simon stated that the purpose of the conditional intermodal node is to foster the development of facilities that promote the movement of people by modes of travel other than the private automobile. She added that the code amendment was initially proposed by the Tri-County Commuter Rail Authority (Tri-Rail). Subsequent to the introduction of the ordinance on February 25, 2003, staff was directed to review the ordinance, propose modifications and forward the ordinance to the Planning and Zoning Board for review. Staff's review resulted in the inclusion of additional public safeguards to limit the scope of accessory facilities to only those that are necessary to support the primary transit nature of the intermodal node.

Ms. Simon then reviewed the staff modified version of the ordinance. This version provides special standards for the accessory retail uses that are more restrictive than those in the introduced version. She noted that the ordinance is being processed in conjunction with an application for a conditional intermodal node master plan and site plan for a new Boca Raton Tri-Rail Station to be located within the Boca Technology Development of Regional Impact.

On March 20, the Planning and Zoning Board (P&Z Board) reviewed the introduced ordinance and the staff-modified version. The P&Z Board voted to approve the modified staff version with two changes: (1) modify (5)(b) to read: "In the aggregate, accessory transit oriented retail/personal service uses within a node shall not exceed 10,000 square feet..." -- instead of 20,000 square feet, and (2) delete (5)(h), which allows parking for accessory transit oriented retail/personal services uses to be provided at a rate of 15% of the number of parking spaces required by Code.

Staff amended the modified version to incorporate the first change; however, Ms. Simon stated that staff was also proposing an additional standard, which would be covered at the end of the presentation. Staff did not support the second change by the P&Z Board; in staff's opinion, the accessory transit-oriented retail uses would be convenience-type retail, utilized at a greater percentage by commuter rail users rather than a destination-type retail. Staff found the reduction in required parking is substantiated.

Ms. Simon then provided an extensive comparison of the introduced ordinance, as proposed by Tri-Rail, and staff's modified version. In response to a question from yesterday's workshop, she provided the parking requirement under two different scenarios. Also in response to a request made at the workshop, a comparison of other transit facilities that incorporate retail uses was provided and reviewed. Staff's proposed additional standard was also reviewed, which would allow for up to an additional 10,000 square feet of accessory retail/personal service uses in a node, provided an equivalent number of transit

roadway trips are removed from the roadway network based on actual commuter rail ridership. This amendment would later be referred to as the "10 plus 10 amendment."

The public hearing was opened. Charles Siemon, Special Counsel to the Tri-Rail Commuter Rail Authority identified representatives from Tri-Rail that were present. He reviewed Tri-Rail's objectives and stated that a core component of their strategy is to work with employers and local governments along their corridor to develop a network of feeder systems to connect with centers of employment and activity. Mr. Siemon noted that successful transit stations throughout the country have a significant retail component. He emphasized Tri-Rail's commitment to enhancing ridership by making it a competitive alternative to the private automobile.

In closing, Mr. Siemon stated that he is authorized to represent that the Chamber of Commerce Board of Directors unanimously endorsed the original petition. He added that his clients have letters of support from Florida Atlantic University, Lynn University and Palm Beach Community College. Mr. Siemon provided a letter from Tri-Rail general counsel confirming that Tri-Rail Executive Director Joe Giulietti and Tri-Rail Vice-Chairman Michael Massanoff, along with two committees that are coordinating federal funding, are authorized to negotiate the acquisition and approval of this Tri-Rail station. Mr. Siemon also requested that language in the ordinance, in Sections 5(e) and 5(f) that refers to "private dedicated street" be deleted. He asked that the ordinance as revised by staff that would include the 15% for the retail and the 10,000 square feet that would be granted upon demonstration of increased ridership be adopted.

Ms. Simon stated that staff supports the petitioner's request to delete the language referring to "private dedicated street." Council directed the City Manager to bring forward, at the second public hearing, a revised ordinance incorporating that change and the suggested "10 plus 10 amendment."

#### **REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:**

There was no business to consider under Part IV.

#### **REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

6. Ordinance No. 4696

An ordinance of the City of Boca Raton amending Section 8-46, Code of Ordinances, to increase the occupational license tax rates therein; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy Mayor Haynie introduced the ordinance.

7. Ordinance No. 4697

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.38 acre and located at 4300 and 4370 N.W. 2<sup>nd</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SC-02-20)

Council Member Hager introduced the ordinance.

8. Ordinance No. 4698

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.17 acre and located at 3743 N.W. 4<sup>th</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SC-02-19)

Deputy Mayor Haynie introduced the ordinance.

9. Ordinance No. 4699

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of right-of-way for S.E. 17<sup>th</sup> Street, located between 1699 and 1701 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-02)

Council Member Hager introduced the ordinance.

10. Ordinance No. 4700

An ordinance of the City of Boca Raton creating a uniform procedure for appointment of legal counsel for City boards; amending Section 2-447, Code of Ordinances, to provide that the City Attorney shall appoint attorneys as board counsel for City boards and set compensation for such counsel; amending the Code of Ordinances to repeal the existing provisions for appointment of board counsel for the Builders' Board of Adjustment and Appeals, the Code Enforcement Board, the Zoning Board of Adjustment, and the Civil Service Board (as set forth in Article 16, Section 2(G) of the Personnel Rules and Regulations); providing for severability; providing for repealer; providing an effective date

Deputy Mayor Haynie introduced the ordinance.

10.a. Ordinance No. 4701

An ordinance of the City of Boca Raton relating to Substance Abuse Treatment Facilities; amending Section 28-2, Code of Ordinances, to revise the definition of Substance Abuse Treatment Facilities; amending Section 28-197, Code of Ordinances, to modify the time period for compliance with Ordinance No. 4649 applicable to a facility that existed as of May 29, 2002; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hager introduced the ordinance.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Carl Jacobs provided a zelar of a sign posted along Military Trail, south of SW Eighteenth Street that states that one is entering Palm Beach County and the City of Boca Raton. Mr. Jacobs asked, as it is posted outside of the City limits, that the City ask the County to correct the signage.

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There was no business to consider under Part VII.

**QUASI-JUDICIAL PUBLIC HEARING/APPEAL OF BOARD DECISION:**

11. Resolution No. 56-2003

A resolution of the City Council of the City of Boca Raton granting the appeal of Verizon Wireless; authorizing the installation of a Verizon Wireless wall sign at 777 Yamato Road pursuant to Permit No. 03-0659; providing for severability; providing for repealer; providing an effective date

The City Manager advised that the appellant has requested a continuance of the public hearing until May 13, 2003.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to continue the public hearing on Resolution No. 56-2003 to May 13, 2003. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

## **PUBLIC REQUESTS (continued):**

### **Public Comment on the Citrus Canker Issue**

Attorney Barry Silver advised he is seeking an injunction to prevent the cutting of citrus trees identified for removal by the State Department of Agriculture. He appealed to the City Council to join him in his effort, either as a plaintiff or in contributing resources. Robert Powers, a resident of Boca Square and one of the affected homeowners, also requested Council's assistance.

At the Mayor's request, the City Attorney commented. She noted the City's aggressive involvement in the lawsuit filed in Broward County; that litigation is still pending on appeal. Unfortunately, the appellate court did not stay the impact of its decision, which would have allowed the decision to not take effect until completion of the full appellate period. Therefore, the Department of Agriculture is proceeding with judicial authority under the statute, which at this time is valid and enforceable. Ms. Frieser stated the reasons she is recommending that the City not withdraw from the Broward County lawsuit, nor become a plaintiff in an additional action. She added that she had not yet seen a copy of the case Mr. Silver intends to file. She stated what she did feel was appropriate is for the Council to authorize her to work with the other governmental attorneys, in both counties and cities and, in the event any additional strategies are developed that would supplement the City's existing position, give her general authorization to act on the City's behalf.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to authorize the City Attorney, on behalf of the City, to file any additional action she deems beneficial to the City in this matter. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

## **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

12. Notification of Proposed Change for Peninsula Corporate Center Approved DRI, 8201 Congress Avenue (SC-03-03)

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to set the public hearing for September 23, 2003 on the petitioner's application to amend the DRI. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

## **Update on the Citrus Canker Eradication Program**

Assistant City Manager George Brown reviewed his memorandum that provided general information regarding the issuance of the Immediate Final Orders and procedural actions an owner can take to obtain a Stay.

## **CITY ATTORNEY REPORTS:**

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to authorize the City Attorney to schedule an Executive Session regarding the Substance Abuse Facilities ('Sober House') litigation. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

## **MAYOR AND COUNCIL MEMBER REPORTS:**

Deputy Mayor Haynie commended the Boca Raton Advisory Board for the Mentally and Physically Challenged for its recent Beach Bash event.

Ms. Haynie inquired if traffic signals would be coordinated with the timed bridge openings during the trial program. Municipal Services Director Robert DiChristopher advised that they can be timed. He will provide additional information in the Friday Update Packet.

Mayor Abrams mentioned calls from citizens regarding the difficulty of seeing stop signs at some intersections; he suggested that a pilot project be initiated whereby 'STOP' would also be painted on the street, in order to ascertain if the additional signage would reduce running of stop signs. The other members were supportive.

Mayor Abrams commented on the City's sister-city relationship with Spandau, Germany. Among the reasons he felt the time had come to re-evaluate that relationship were diverging interests, the lack of a response to his letter asking for comment on the reports of recent anti-Jewish demonstrations, and Germany's position on the current war in Iraq. He suggested a community-based task force be formed to explore other cities that possess similarities with Boca Raton with which the City might develop a relationship.

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Haynie, to seek a task force to conduct fact finding on other cities that would provide a more appropriate sister-city relationship for Boca Raton. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

**ADJOURNMENT:**

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to adjourn the meeting. Motion carried 3-0; Mayor Abrams, Deputy Mayor Haynie, and Council Member Hager voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:51 p.m. on Tuesday, March 25, 2003.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk