

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, OCTOBER 26, 2004
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:

Council Member Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Council Member Dave Freudenberg
Council Member Susan Haynie

Deputy Mayor Bill Hager and Council Member Susan Whelchel were absent (excused).

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
Assistant City Clerk Vanessa Hines

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to amend the agenda to add Resolution No. 195-2004 to the Consent Agenda as Item No. 3.h. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of October 12, 2004
Minutes of the Regular Meeting of October 13, 2004

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

PROCLAMATIONS:

There were no proclamations.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a) Boca Raton Housing Authority - (1) one vacancy, due to term expiration of Marjorie O'Sullivan, whose term expires 11/14/04.

Marjorie O'Sullivan expressed interest in retaining her position.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to reappoint Marjorie O'Sullivan to the Boca Raton Housing Authority. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

Ms. O'Sullivan was reappointed to the Authority.

- b) Civil Service Board – (1) one vacancy, due to term expiration of David R. Thomas, whose term expires 11/01/04.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to reappoint Dave R. Thomas to the Civil Service Board. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

Mr. Thomas was reappointed to the Board.

2. Responses to Workshop Information Requests:

Mr. Ahnell advised that answers to questions brought forward at yesterday's workshop meeting would be included in tonight's presentations.

3. Consent Agenda:

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to approve the Consent Agenda as amended. Motion carried 3-0; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

a. Competitive Sealed Proposal Renewals

- 1) Firefighting Turnout Gear and Replacement Helmets - Renewal
Requested by Fire Rescue Services
Bennett Fire Products Company \$26,906
- 2) Vehicle Air Conditioning Repairs - Renewal
Requested by Fire Rescue Services & Municipal Services
Auto Air of Boca, Inc., and Kramer Auto Electric and AC \$75,000

b. Sealed Bid Renewals

- 1) Traffic Signs & Marking Items - Renewal
Requested by Municipal Services
Custom Products Corporation, Municipal Supply & Sign Company, Rocal, Inc., Universal Signs & Accessories, Vulcan Signs, and 3M Company \$47,000

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| 2) | Preventative Maintenance of Automobiles and Light Trucks - Renewal
Requested by Municipal Services
Auto Air/Auto Care of Boca, Inc. | \$110,000 |
| 3) | Welding Services - Renewal
Requested by Municipal Services & Recreation Services
Slim's Welding, Inc. | \$44,700 |
| 4) | Lighting Repair and Maintenance for Ballfields and Tennis Courts - Renewal
Requested by Recreation Services
Lectra Living, Inc. | \$90,500 |
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| c. | <u>Intergovernmental Agreements</u> | |
| 1) | Tires & Tubes
Requested by Municipal Services & Fire Rescue Services
Boca Tire, Inc. | \$140,000 |
| 2) | Tire Services
Requested by Municipal Services
Pride Enterprises | \$77,000 |
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| d. | <u>Sole Source</u> | |
| 1) | Fuel for Police Boats
Requested by Municipal Services
Cove Marina, Inc., and Delray Harbor Club Marina | \$30,000 |
| 2) | Motorola Radio System Maintenance
Requested by Police Services
Motorola | \$201,196 |
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| e. | <u>Resolution No. 190-2004</u> | |
| | A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with Coastal Planning and Engineering, Inc. for the purpose of providing environmental monitoring services for the South Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date | |
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| f. | <u>Resolution No. 191-2004</u> | |
| | A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Cole Vision Services, Inc. for the purpose of providing vision coverage for City employees; providing for severability; providing for repealer; providing an effective date | |
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| g. | <u>Receive and File Board Minutes – October 26, 2004</u> | |
| 1) | Community Appearance Board
September 21, 2004 | |
| 2) | Downtown Visions Committee
March 10, 2004 | |

- 3) Education Advisory Board
August 23, 2004
- 4) General Employees' Pension Board
August 12, 2004
- 5) K-12 Education Task Force (NON-APPROVED)
October 21, 2004
- 6) Marine Advisory Board
July 7, 2004
- 7) Parks and Recreation
August 3, 2004
- 8) Police and Firefighters' Pension Board
July 29, 2004
August 12, 2004
- 9) Special Master
September 22, 2004

3.h. Resolution No. 195-2004

A resolution of the City of Boca Raton supporting the City of Weston's efforts to have Chapter 205, Florida Statutes, the "Local Occupational License Tax Act", amended to provide local governments flexibility in setting and amending occupational license tax rates; providing for severability; providing for repealer; providing an effective date

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

4. Resolution No. 188-2004

A resolution of the City of Boca Raton providing for the development of, and the approval of certain conditional uses on, certain property, as more specifically described herein; authorizing the Mayor and City Clerk to execute an amended and restated agreement with Florida Atlantic Research and Development Authority; providing for severability; providing for repealer; providing an effective date (SC-04-01)

The City Manager advised that this item had been advertised and scheduled for consideration tonight. However, negotiations had not yet been concluded nor had details been finalized. Therefore, he recommended that Council open the public hearing and continue same to the next regularly scheduled Council meeting of November 9, 2004.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to open the public hearing for Resolution No. 188-2004 and continue same to the meeting of November 9, 2004. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

5. Ordinance No. 4810 (Four votes required for adoption.)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.23 acres, more or less, located at 300 West Yamato Road (NW 51st Street), as more specifically described herein, from RL (Residential Low) to C (Commercial); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-05 SC/ZC/SPA)

6. Ordinance No. 4811

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.23 acres, more or less, located at 300 West Yamato Road (NW 51st Street), as described more particularly herein, from R-1-D (Single Family Residential) to B-1 (Local Business); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-03-05 SC/ZC/SPA)

7. Ordinance No. 4814

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an anchor easement, located at 382 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-12)

8. Ordinance No. 4815

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement, located at 300 and 316 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-13)

In regard to Ordinance Nos. 4810, 4811, 4814 and 4815, Mayor Abrams advised that a letter requesting a second continuance had been received from the applicant; he also noted that an insufficient number of members were in attendance tonight in regard to consideration of Ordinance No. 4810.

Motion was made by Council Member Haynie, seconded by Mayor Abrams, to postpone consideration of Ordinance Nos. 4810, 4811, 4814 and 4815, with the understanding that, when ready, the applicant would need to contact staff for the purposes of re-routing the items through the agenda process and re-noticing the ordinances at the applicant's expense. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

There were no items for consideration.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 4827

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease agreement with the Boys and Girls Clubs of Palm Beach County, Inc. for the City-owned property at 300 Newcastle Street; providing for severability; providing for repealer; providing an effective date (SC-04-12)

The ordinance was introduced by Council Member Haynie.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

PUBLIC HEARING-REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIEN:

10. Resolution No. 192-2004

A resolution of the City of Boca Raton granting the application of Allied Mortgage & Financial Corp. for a reduction in the amount of the Code Enforcement Lien imposed in Special Master Case Number SM(G) 02-4113; providing for severability; providing for repealer; providing an effective date

Code Compliance Supervisor Ken Massalone made the presentation, explaining that he was contacted by the owner of 921 Osceola Drive with a request for a lien reduction. It was determined that neither the applicant, nor a representative of the applicant, was present. Mayor Abrams advised that the letter from the applicant's attorney, Jeremy Koss, was self-explanatory. He then opened the public hearing. Seeing no one came forward to speak, the public hearing was closed.

Council Member Freudenberg advised that he had reviewed the material provided and found no compelling reason to reduce the lien as requested. No additional comments were forthcoming from Council.

Motion was made to deny the request for a reduction to the lien in Special Master Case Number SM(G) 02-4113. Motion carried 3-0; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

An Order of Denial would be prepared accordingly.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

11. Amendment to Alternative Permitting Agreement for 2500 South Ocean Boulevard

The City Manager advised that he was in possession of an amendment to the Alternative Permitting Agreement for the abovementioned property. The applicant requested an additional 90-day extension on issuance of the building permit to January 31, 2005; they have complied with all other terms of the agreement. Barring any objections from Council, Mr. Ahnell was prepared to execute same accordingly. Council had no objections.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Freudenberg referred to the notification process related to last night's Town Hall Meeting, hosted by the Community Relations Board, and asked that the City Manager review the procedure for placing notifications on Channel 20. He opined that the slides related to job opportunities were excessive.

Council Member Haynie referred to Channel 20 and questioned whether the notice related to water chlorination was still in effect; the City Manager is to follow up. Ms. Haynie also mentioned that a constituent reported that yesterday's televised meeting was interrupted approximately four times with a

nature program being broadcast on the County's station; the glitch was due to problems with Adelphia. Ms. Haynie then advised that a tree was blocking the visibility of the traffic light at SW 3 Avenue and Camino Real; a picture was provided. Last of all, she commented on the newly-poured asphalt driveway at Fire Station #2 on Palmetto Park Road, saying that it was poorly done; pictures were again provided.

Mayor Abrams referred to the K-12 Education Task Force's recommendation to support the half-cent sales tax referendum, which is before voters in the November 2, 2004 election, and asked for a motion in regard to same.

Motion was made by Mayor Abrams, seconded by Council Member Freudenberg, to support the half-cent school sales tax referendum, based on the K-12 Education Task Force's recommendation. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

ADJOURNMENT:

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 3-0 on a voice vote; Mayor Abrams, Council Members Freudenberg and Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:18 p.m. on Tuesday, October 26, 2004.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk