

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MARCH 23, 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 Freudenberg gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

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

Also attending the meeting were:

City Manager Leif J. Ahnell  
City Attorney Diana Grub Frieser  
City Clerk Sharma Carannante

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to amend the agenda to add Resolution Nos. 53-2004 and 54-2004 for consideration under, "Part VII – Resolutions and Other Business." Motion carried unanimously on a voice vote; Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

**PROCLAMATIONS/PRESENTATIONS:**

Tom & Helen Wright Day – March 23, 2004

Tom & Helen Wright, owners of Tom's Ribs, accepted the proclamation from Mayor Abrams and Council Member Bill Hager.

**MINUTES:**

Minutes of the Regular Workshop Meeting of February 23, 2004  
Minutes of the Regular Meeting of February 24, 2004

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

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

### 1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy, due to term expiration of Neil Meisel, whose term expired 01/12/04.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to appoint Barbara Safranek. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

Ms. Safranek was appointed to the Citizens' Pedestrian and Bikeway Advisory Board.

- b. General Employees' Pension Board – (2) two vacancies, due to term expirations of Lewis F. Sarrica and Linda C. Davidson, whose terms expire 03/29/04.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to reappoint Lewis Sarrica and Linda Davidson to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

Mr. Sarrica and Ms. Davidson were reappointed to the General Employees' Pension Board.

- c. Planning and Zoning Board – (2) two vacancies, due to term expirations of Keith O'Donnell and Grace M. Johnson, whose terms expire 03/31/04.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to reappoint Keith O'Donnell and Grace Johnson to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

Mr. O'Donnell and Ms. Johnson were reappointed to the Planning and Zoning Board.

- d. Police & Firefighters' Pension Board– (2) two vacancies, due to the term expirations of Richard Robinson and John D. Girard, whose terms expire 03/29/04.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Richard Robinson and John Girard to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

Mr. Robinson and Mr. Girard were reappointed to the Police & Firefighters' Pension Board.

- e. Zoning Board of Adjustment – (3) three vacancies, due to term expirations of John M. Cappeller, Alfred Gladstone, and J. Scott MacLaren, whose terms expire 04/10/04.

*Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to reappoint John Cappeller, Alfred Gladstone, and J. Scott MacLaren to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

Mr. Cappeller, Mr. Gladstone, and Mr. MacLaren were reappointed to the Zoning Board of Adjustment.

2. Responses to Workshop Information Requests:

In response to a question raised at yesterday's workshop regarding Resolution No. 36-2004, Mr. Ahnell confirmed that the City currently maintains, for the Florida Department of Transportation, 1,080 streetlights in the City; under this agreement, the City will be reimbursed for the associated maintenance costs.

3. Consent Agenda:

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to approve the Consent Agenda, minus Item No. 3.q. – Resolution No. 50-2004, which was considered separately under, "Part VII – Resolutions and Other Business." Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

a. Sealed Bids

- |    |  |             |
|----|--|-------------|
| 1) | Landscape Maintenance Services for<br>El Rio Bicycle/Pedestrian Corridor<br>Requested by Recreation Services<br>Complete Property Services | \$29,866    |
| 2) | Landscape Maintenance Services for the<br>Cemetery and Mausoleums<br>Requested by Recreation Services<br>Vila & Son Landscaping            | \$31,695    |
| 3) | Equipment Testing & Analysis<br>Requested by Utility Services<br>T.A.W. Miami Service Center   | \$37,400    |
| 4) | Fire Rescue Station #4<br>Requested by Fire Rescue Services<br>Coastal Contracting & Development, Inc.                                     | \$1,510,000 |
| 5) | Street Resurfacing Program<br>Requested by Municipal Services<br>Weekley Asphalt Paving, Inc.  | \$48,110    |

b. Sealed Bid - Renewal

- |    |   |           |
|----|---|-----------|
| 1) | Sodium Chloride, Solar Salt - Renewal<br>Requested by Utility Services<br>Morton Salt | \$150,385 |
|----|---|-----------|

c. Sole Source

- |    |   |           |
|----|---|-----------|
| 1) | Building Automation System for City Hall<br>and Community Center<br>Requested by Municipal Services<br>Johnson Controls, Inc. | \$74,628  |
| 2) | Property Insurance<br>Requested by Financial Services<br>Beacon Group, Inc.   | \$821,615 |

d. Emergency

- 1) Emergency Repairs for Lift Station 61  
Force Main Relocation  
Requested by Utility Services  
Intrastate Construction Corp. \$34,699

e. Resolution No. 36-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Master Street Lighting Agreement with the State of Florida Department of Transportation (FDOT) for the purpose of continuing maintenance responsibilities and providing for FDOT to compensate for maintenance of street lights along State jurisdiction roadways; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 37-2004

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Howard Elias and Cindy Elias, over certain lands located at 380 East Coconut Palm Road; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 38-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Charles H. Beach and Patricia B. Beach for the purpose of placing four Royal Palm Trees in City right-of-way adjacent to 279 West Key Palm Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 39-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation Safety Office to produce a bicycle suitability map; authorizing the acceptance of 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

i. Resolution No. 40-2004

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Royal Palm Yacht and Country Club, Inc., over certain lands located at 199 Royal Palm Way; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 41-2004

A resolution of the City of Boca Raton naming Fire Rescue Station Number Seven in honor of Richard H. Muehlberg, former Fire Rescue Services Battalion Chief, to commemorate his 28 years of dedicated service to the City; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 42-2004

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 floating, drive on dock for 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

l. Resolution No. 45-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation pursuant to the Transportation Efficiency Act for the 21<sup>st</sup> Century (TEA-21); 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

m. Resolution No. 46-2004

A resolution of the City of Boca Raton confirming for the State of Florida Department of Environmental Protection, for the purpose of compliance with Permit No. 0192068-001JC, Specific Condition No. 16, that the City will pay for the cost of removing the temporary groin, if necessary; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 47-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with JDR Construction Company, Inc., for the purpose of providing professional engineering services to design sidewalk improvements to provide safe routes to schools; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 48-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice pursuant to the Bulletproof Vest Partnership Grant program, 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. Resolution No. 49-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security, Office of Domestic Preparedness Assistance to Firefighters Grant program, for the purchase of training equipment for the new Fire Rescue Training Center; 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

r. Employee Election Certifications

- 1) Certification of the election of Nicole Gasparri and Carol Himes as the general employees' representatives on the General Employees' Pension Board for the two terms to expire on March 29, 2007.
- 2) Certification of the election of Chris Somers as a police services' trustee on the Police and Firefighters' Pension Board for the term to expire March 29, 2006.
- 3) Certification of the election of Mike Gergora as the fire-rescue services' representative on the Police and Firefighters' Pension Board for the term to expire on March 29, 2006.

s. Receive and File Board Orders

Zoning Board of Adjustment:

- 1) Resolution No. BA-03-14
- 2) Resolution No. BA-04-01

t. Receive and File Board Minutes – March 23, 2004

- 1) Builders' Board of Adjustment and Appeals  
April 23, 2003
- 2) Code Enforcement Board  
August 20, 2002  
May 20, 2003
- 3) Community Appearance Board  
February 10, 2004  
February 17, 2004  
February 24, 2004
- 4) Education Advisory Board  
January 22, 2004
- 5) Environmental Advisory Board  
December 18, 2003
- 6) Financial Advisory Board  
January 20, 2004
- 7) General Employees' Pension Board  
January 8, 2004  
January 21, 2004  
January 28, 2004
- 8) Historic Preservation Board  
January 20, 2004
- 9) Marine Advisory Board  
February 4, 2004
- 10) North Federal Highway Steering Committee  
January 28, 2004  
February 4, 2004
- 11) Parks and Recreation  
February 3, 2004
- 12) Physically and Mentally Challenged Board  
February 5, 2004
- 13) Planning and Zoning Board  
January 22, 2004

- 14) Police & Firefighters' Pension Board  
August 19, 2003  
November 19, 2003  
December 2, 2003  
December 17, 2003
- 15) Special Master  
February 11, 2004
- 16) Zoning Board of Adjustment  
January 7, 2004

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

4. Resolution No. 34-2004

A resolution of the City of Boca Raton granting conditional use approval for Fire Station No. 3 on a parcel of land located at 100 South Ocean Boulevard, granting technical deviations for driveway reservoirs and parking dimensions; as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-13)

The City Clerk administered the oath to those who indicated they wished to speak on this petition. There were no ex-parte disclosures.

Development Services Planner Daryl Johnson gave a PowerPoint presentation and provided information regarding location, zoning, acreage, and land use designation. He explained that the existing fire station would be enlarged to 9,540 square feet, with a maximum building height of 50 feet; South Ocean Boulevard would provide ingress and egress. Two technical deviations were requested from Sections 28-1653 and 23-190, related to parking dimensions and a driveway reservoir, respectively; the City Traffic Engineer supported the requests.

The Environmental Advisory Board reviewed and unanimously approved the plans for the fire station, with the generator building located on the north side. The Department of Environmental Protection (DEP) subsequently amended the plans to move the generator building to the east side of the fire station to allow for the preservation of additional sea grapes. The Planning and Zoning Board also reviewed this project and unanimously recommended approval, with the condition that a variance be granted for the side setback. The Zoning Board of Adjustment reviewed and approved a variance to allow the reconstruction of the fire station to encroach 23 feet and 5 inches into the required side setback on the south side. Mr. Johnson then concluded his presentation by stating that staff recommended approval of the petition, with the conditions listed in the accompanying resolution.

No one came forward to speak at the public hearing.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Resolution No. 34-2004. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

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

5. Ordinance No. 4768

An ordinance of the City of Boca Raton abolishing the Public Works Review Committee and The Planning Advisory Committee; providing that all required, necessary or appropriate reviews shall be performed by City staff; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney explained that this was a housekeeping item, which would delete reference to the Public Works Review Committee (PWRC) and the Planning Advisory Committee (PAC) from the City Code and require that City staff perform the duties of these committees; the same current level of review would be provided. Adoption of this ordinance and establishment of an Administrative Policy is necessary in order to avoid a conflict with the Sunshine Law.

No one came forward to speak at the public hearing.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4768. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

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

There were no items for consideration.

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

6. Ordinance No. 4769

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as more specifically described herein, from RL (Residential Low) to RM (Residential Medium) and N (Conservation); providing for the appropriate revisions of the Future Land Use Map; granting a technical deviation for a driveway; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

Council Member Hager introduced the ordinance.

7. Ordinance No. 4770

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as described more particularly herein, from R-1-D (Single Family Residential) and R-3-D/PUD (Multifamily Residential/Planned Unit Development) to R-3/PUD (Multifamily Residential/Planned Unit Development); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

Deputy Mayor Whelchel introduced the ordinance.

8. Ordinance No. 4773

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$24,500,000 General Obligation Refunding Bonds, Series 2004, of the City of Boca Raton, Florida; authorizing the advance refunding of a portion of City of Boca Raton General Obligation Bonds, Series 2000; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date

Council Member Freudenberg introduced the ordinance.

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

Neil Haynie opined that the Community Redevelopment Agency (CRA) should be terminated, as there's no longer a need for it. He then advocated more citizen participation in City business and suggested that "streaming video" via the Internet might encourage same.

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

### 8.a. Resolution No. 53-2004

A resolution of the City of Boca Raton regarding development in the North Federal Highway Corridor; providing for severability; providing for repealer; providing an effective date

Council Member Hager was the sponsor of this resolution and explained that it was prepared as a result of discussion at yesterday's workshop. He explained that this item was essentially non-binding; however, it's purpose was to encourage developers to create projects consistent with the proposed master plan for the North Federal Highway Corridor and, at the same time, consistent with the City's existing building regulations.

Deputy Mayor Whelchel suggested an amendment to address the issue of the public rights-of-way (sidewalks) in relationship to the building frontages.

No one came forward to speak at the public hearing.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 53-2004 as amended. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

### 8.b. Resolution No. 54-2004

A resolution of the City of Boca Raton amending Resolution No. 229-91; changing the commencement time for the regular workshop meetings of the City Council from 1:00 p.m. to 1:30 p.m., providing for severability; providing for repealer; providing an effective date

Mr. Ahnell referred Council to the memorandum provided by the City Clerk and explained that this resolution would effectively move the start time of the workshop meetings from 1:00 p.m. to 1:30 p.m.

No one came forward to speak at the public hearing.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 54-2004. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

### 3.q. Resolution No. 50-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Langton Associates, Inc. for the purpose of providing grants writer consulting services; providing for severability; providing for repealer; providing an effective date

Council Member Freudenberg advocated hiring an in-house full-time grants writer, stating that the City had evolved sufficiently to justify this action, which would allow for greater efficiency and a savings to the City. In the discussion that followed, Council generally determined that 1) the cost of hiring an outside entity was comparable to hiring an in-house employee, 2) a team of grants writers would be working on behalf of the City as opposed to one person, and 3) since the number of grants that the City applies for and receives is substantial, they would be better orchestrated by more than one person. Mr. Ahnell mentioned that the City was currently advertising for a part-time employee, who would oversee compliance of the grants, as they relate to appropriate and applicable regulations.

No one came forward to speak at the public hearing.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 50-2004. Motion carried 4-1; Mayor Abrams, Deputy Mayor Whelchel, Council Members Hager and Haynie voting yes. Council Member Freudenberg voted no.*

**QUASI-JUDICIAL PUBLIC HEARING – REQUEST FOR VARIANCE  
FROM CHAPTER 24 / SIGN CODE:**

9. Resolution No. 43-2004

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to construct one (1) additional freestanding sign that has fewer than 250 feet of separation from an approved freestanding sign located along the same street frontage at 555 – 595 South Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-03-05)

The City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Planner Daryl Johnson gave the PowerPoint presentation and provided the location and zoning of the subject property. He explained that this petition would allow two freestanding signs to be constructed on a property along the same street frontage and closer than 250 feet. Currently, a freestanding sign identifying the building was pending construction at the intersection of SE 5<sup>th</sup> Street and Federal Highway, facing east/west. The petitioner proposed to construct a second freestanding sign at SE 6<sup>th</sup> Street and Federal Highway, also identifying the building but facing north/south; this proposed sign would be 168 feet from the approved sign. The Community Appearance Board (CAB) tentatively approved this sign, pending Council approval of the requested variance and subject to the condition provided in the resolution. Staff also recommended approval, based on the CAB's recommendation and also subject to the condition provided.

Mitchell Kirschner, the attorney representing the owner of the two buildings, clarified that 555 South Federal Highway and 595 South Federal Highway were two separate and distinct buildings with two identities. He stated that the second sign would be reasonable and appropriate for a building of this size and would provide an easy approach for the public. He presented additional details, then concluded his remarks and answered questions from Council.

Mark Gregory, the contractor for the project, made himself available for questions.

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

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 43-2004. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

**PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIENS:**

10. Resolution No. 51-2004

A resolution of the City of Boca Raton granting the application of Orchard View Development Ltd. for a reduction in the amount of the code enforcement lien imposed in Case Number 98-2412; providing for severability; providing for repealer; providing an effective date

Mayor Abrams referred to a copy of a letter from the attorney for the petitioner, requesting that this item be rescheduled, as their client was currently out of town.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to postpone consideration of Resolution No. 51-2004. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

11. Resolution No. 52-2004

A resolution of the City of Boca Raton granting the application of Joel Platt, et al. for a reduction in the amount of the code enforcement lien imposed in Special Master Case Number 02-3538; providing for severability; providing for repealer; providing an effective date

Development Services Director Jorge Camejo gave the presentation, explaining that this Code violation pertained to life-size photographs of sports figures situated in front of the property known as "Sports Immortals," located at 6830 North Federal Highway. The violation continued for seven days at \$200 per day, plus \$103 for administrative costs, resulting in a total fine of \$1,503.00. Mr. Camejo concluded his comments and answered questions from Council.

After discussion, Council decided to create a motion denying the appeal. It was clarified that a "yes" vote would deny the request to reduce the lien.

Inspections and Compliance Supervisor Ken Massalone confirmed with Council that the applicant, who was not in attendance, was notified of this meeting. Responding to Council, Mr. Massalone then provided an overview of the Special Master hearing, which occurred on January 8, 2003.

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to deny the request for lien reduction. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

(A revised Resolution No. 52-2004 will be prepared to reflect the above action.)

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

12. Summer Meeting Schedule

Mr. Ahnell explained that, due to the budget meetings, Council traditionally cancels one of the summer meetings. If there was interest in doing so, he suggested that Council members review their calendars to determine which meeting to cancel.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to cancel the regular workshop meeting of July 12, 2004, and the regular Council meeting of July 13, 2004. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

G.O. Bond Refunding for Boca Tech

The City Manager noted the introduction tonight of Ordinance No. 4773 and, in anticipation of its adoption at the next meeting, asked Council to authorize him to "take appropriate steps, including without limitation, effectuating required notices and related procedures" so that the refunding can be expedited, thus maximizing savings to the City.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to authorize the City Manager to move forward in expediting the refunding of the G.O. Bonds as previously outlined. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

**CITY ATTORNEY REPORTS:**

The City Attorney requested authorization to schedule an Executive Session regarding the litigation with E.B. Developers as it relates to the proposed Mizner del Mar project. Ms. Frieser stated it was her intent to schedule the session before the next regular Council meeting.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to authorize the City Attorney to schedule an Executive Session in regard to the litigation with E.B. Developers. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.*

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Freudenberg commented on the construction of a baseball diamond at the new Boca Raton Middle School and suggested that it was too close to Military Trail. Mr. Ahnell explained that those joint-use fields would be provided with screening and landscaping.

Council Member Haynie complimented the Advisory Board for the Physically and Mentally Challenged for two successful events – the annual Beach Bash, which took place at Spanish River Park, and “Sunday in the Park,” which included, among other things, a wheelchair wash. Ms. Haynie then advised Council of her attendance at the recent Royal Oak Hills Homeowners’ Association annual dinner, saying it was a nice event and the community appeared to be coming together.

Deputy Mayor Whelchel advised that she had also attended the Royal Oak Hills Homeowners’ Association’s annual dinner and spoke positively regarding same. Ms. Whelchel then recognized Assistant City Manager George Brown and Office of Management & Budget Director Linda Davidson for their outstanding volunteerism at the recent Boca Bacchanal event held in Mizner Park.

Council Member Hager also complimented George Brown and Linda Davidson for their efforts and stated that \$200,000 had been raised for Children’s Place. Mayor Abrams noted that Mr. Hager’s wife had co-chaired the event.

Mayor Abrams reported that he attended a recent meeting of the Lake Worth Drainage District (LWDD) and requested that the City be allowed to “take over” the L-43 Canal in the T-Rex area; the LWDD agreed. Consequently, this will allow the City to, at the appropriate time, implement the planned water features on the City-owned land at the Boca Technology Center.

**ADJOURNMENT:**

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:15 p.m. on Tuesday, March 23, 2004.

\_\_\_\_\_  
Steven L. Abrams, Mayor

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk