

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, OCTOBER 22, 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:

No amendments were made at this time. The agenda was amended later in the meeting to move Item 11 for consideration immediately after Item 5. Resolution No. 186-2002 was also added as Item 12 for consideration under "Mayor and Council Member Reports."

PROCLAMATIONS:

The Children's Home Society's 100th Anniversary – November 2002

Frank Gulisano accepted the proclamation on behalf of the Children's Home Society.

National Magic Week – October 25 through October 31, 2002

Members of the Society of American Magicians accepted the proclamation and entertained the audience with a magic trick.

National Red Ribbon Celebration – October 23 through October 31, 2002

The proclamation was accepted by Boca Raton Police Officer Kahlow.

AWARDS/RECOGNITIONS:

Presentation of Certificate of Accreditation from the Commission on Accreditation of Law Enforcement Agencies – Chief Andrew J. Scott, III

Chief Scott noted this was the department's third reaccreditation and commented on accreditation requirements. Staff who were instrumental in the accreditation process were recognized.

MINUTES:

Minutes of the Regular Workshop Meeting of October 7, 2002
Minutes of the Regular Meeting of October 8, 2002

Motion was made by Council Member Hanson, seconded by Council Member Hager, to approve the minutes of October 7, 2002, and the minutes of October 8, 2002, as revised. 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 Housing Authority – two (2) vacancies, due to term expiration. Terms expire 11/14/02.

Jounice Williams expressed interest in remaining on the Authority.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to reappoint Jounice Williams and Marian Pearlman Nease to the Housing Authority. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Jounice Williams and Marian Pearlman Nease were reappointed.

- b. Civil Service Board – one (1) vacancy due to term expiration. Term expires 11/01/02.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to reappoint Michael Leinwand to the Board. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Michael Leinwand was reappointed.

2. Responses to Workshop Information Requests:

Assistant City Manager George Brown reviewed the following:

(Consent Agenda Item 3.d. - Resolution No. 178-2002 / Blue Water Townhouses – Contract with New Century Acquisitions, Inc. for construction of required improvements) Mr. Brown explained that, per the City Attorney, the developer's signature does not need to be notarized, as the document will not be recorded in the official records of Palm Beach County.

(Consent Agenda Items 3.f., 3.g., & 3.h. – Resolution Nos. 180-2002, 181-2002, & 182-2002 / Easement Deeds for traffic signal poles at three different intersections) Mr. Brown explained that the signal at Jog Road and 44th Street would be installed over the next several days; the signal would be on "flash" by Tuesday, October 29, 2002. The signal at the Banyans at Clint Moore Road and 24th Way is to be installed by early November; it will be in flash operation by mid-November. An additional signal being installed on NW 2nd Avenue at NW 28th Street should also be in operation by mid-November.

(Additional Information on Items 4 & 5, Ordinance Nos. 4656 and 4657 related to the Windsor Court petitions) Mr. Brown stated that this information would be reviewed by staff during the presentation this evening.

3. Consent Agenda:

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

a. Sealed Competitive Proposal Renewals

- | | | |
|----|---|--------------|
| 1) | Bus Transportation Services
Requested by Recreation Services
Quality Transport Services, Inc. | \$113,460.00 |
| 2) | Emergency Medical Care Vehicle
Requested by Fire-Rescue Services
American LaFrance Medic Master | \$282,656.00 |

b. Emergency

- | | | |
|----|---|-------------|
| 1) | Emergency Manhole Replacement
Requested by Utility Services
A&A Underground Contractors, Inc. | \$78,648.00 |
|----|---|-------------|

c. Resolution No. 177-2002

A resolution of the City of Boca Raton accepting and approving the final plat known as the Blue Water Townhouses Plat subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (PUD 01-01B)

d. Resolution No. 178-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract with New Century Acquisitions, Inc. for the construction of required improvements to Blue Water Townhouses Plat; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 179-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a joint project agreement with Palm Beach County for the purpose of design and construction of the intersection improvement at Military Trail and Potomac Road; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 180-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Carriage Homes at Woodfield Hunt Club Homeowners Association, Inc., over certain land located at N.W. 44th Street and Powerline (Jog) Road; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 181-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Country Club Maintenance Association, Inc. over certain land located at N.W. 24th Way and Clint Moore Road; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 182-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Woodfield Hunt Club Homeowners Association, Inc., over certain land located at N.W. 44th Street and Powerline (Jog) Road; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 184-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Junior League of Boca Raton Community Support Fund for an Elder Crime Education Program; 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

j. Resolution No. 185-2002 (approved as revised)

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Kise, Straw & Kolodner, Inc. for the purpose of providing consulting services related to historic preservation activities; providing for severability; providing for repealer; providing an effective date

k. Certification

Certification of election of Mary Louise Yeager to the Civil Service Board for the term expiring November 1, 2005.

l. Resignations

- (1) Resignation of Miguel Pellon from the Telecommunications Advisory Board.
- (2) Resignation of Evelyn Panagakos Lamia from the Advisory Board for the Physically and Mentally Challenged.

m. Receive and File Board Minutes – October 22, 2002

- 1) Community Appearance Board
September 17, 2002
- 2) Education Advisory Board
August 26, 2002
- 3) Financial Advisory Board
August 19, 2002
- 4) Historic Preservation Board
September 17, 2002
- 5) Marine Advisory Board
September 16, 2002
- 6) Parks and Recreation
September 3, 2002
- 7) Pearl City Blue Ribbon Committee
August 22, 2002

- 8) Planning and Zoning Board
August 22, 2002
- 9) Police and Firefighters' Pension Board
August 21, 2002
- 10) Special Master
August 28, 2002

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

4. Ordinance No. 4656

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium) granting a technical deviation to Chapter 23, Code of Ordinances; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-01-02SC)

5. Ordinance No. 4657

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as described more particularly herein, from R-B-1 (Motel-Business District) to R-3 (Medium Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-01-02ZC)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petitions. Under ex-parte disclosures, Council Member Hanson stated that she had spoken with Mary Schuler.

Mr. Brown pointed out that Ordinance No. 4656 required four votes for adoption and then introduced Development Services Senior Planner Jennifer Simon, who would give the PowerPoint presentation.

Ms. Simon explained that this was the second of two required public hearings and then provided answers to questions raised at yesterday's workshop; Ms. Simon directed attention to a memo, dated October 22, 2002, from the City's Property Specialist/Appraiser, Carolyn D. Bodor, which provided a comparison of potential tax assessments between the proposed townhouse development and a projected commercial development.

The petitions are for a universal conditional approval, which included an amendment to the Future Land Use Element of the Comprehensive Plan, a rezoning from Commercial (C) to Residential Medium (RM), site plan approval, and a technical deviation to build a 104-unit, three-story townhouse development, referred to as Windsor Court at Boca Raton. The location was outlined and detailed zoning information relating to those properties surrounding the site was provided. Elements of the proposed development were reviewed with focus given to entryways, access to garages, perimeter buffers, landscaped open space, a shared-use path (open to the public), and a decorative wall. Approximately 40% of the site would be dedicated to open space with three large neighborhood greens found in the interior of the development. Twenty buildings, clustered in groups of two to six units, would be constructed using neo-traditional architecture, which includes street parking, front porches, garages in the rear of the units, and covered balconies on second floor. Each unit would be comprised of over 3,000 square feet and feature tile roofs, decorative columns, and ornamental railings.

The technical deviation requested was for a reduction from the standard 24 feet of pavement width to 20 feet of pavement width for the two-way onsite alleyways. Currently, Engineering Design Standards

require 24-foot aisles for perpendicular parking spaces. After analysis, the City Traffic Engineer agreed that a 20-foot alley and the garage driveways, which are at least five feet long, would provide sufficient backup width and supported this technical deviation.

Ms. Simon stated that the proposed project was reviewed to determine consistency with the goals, objectives and policies of the Comprehensive Plan; availability of public facilities and services to serve the site; and compatibility of the proposed land use with future land uses. A comparison of trip generations between the current shopping center and the proposed development was also reviewed; the trips per day would decrease by approximately 2,800, should the proposed development be constructed.

The Planning and Zoning Board reviewed this project on January 3, 2002, and approval was recommended. The Parks and Recreation Board reviewed the project for land dedication on April 2, 2002. The Board recommended that the petitioner dedicate one acre of land for public use; staff recommended a fee in lieu of land dedication in the amount of \$109,200. The applicant filed a notice to appeal the land dedication requirement.

On June 25, 2002, the first of two required public hearings was held regarding this project. At that meeting, Council voted on two issues, 1) the appeal of the decision by the Parks and Recreation Board, and 2) whether to transmit the amendment to the Department of Community Affairs (DCA). Council granted the appeal for a fee in lieu of land dedication and approved the transmittal to DCA.

The DCA completed its review in September and had no objections to the proposed Future Land Use Map amendment. However, the Department of Transportation (DOT) had two comments: 1) the proposed bus stop, as featured, would be inconvenient for residents to use; staff proposed a condition for relocation of the bus shelter, and 2) traffic noise from Federal Highway would be excessive; staff proposed that the homes be set back 50 feet from the property line and a six-foot wall be constructed around the entire property and extensively landscaped. In conclusion, Ms. Simon reviewed staff's findings as to why this project would be beneficial and recommended approval of the petition. Ms. Simon then answered questions from Council.

The public hearing was opened. Attorney Charles Siemon, representing the applicant, provided additional information. His approach was to portray this project as a catalyst for the rejuvenation of the North Federal Highway corridor.

Also during the public hearing, Tarina Rasmussen, President of the Boca Harbor Homeowners' Association; Frank Micali, President of the Portabello Townhome Association; and Bruce Benefield, Chairman of the Boca Raton Homeowners' Association spoke in support of the development. Frank Feiler, Steven Russell, Frank Lattanzio, Ron Silver, Carrie Lynn, Carole Kriete, Chris Rossi, Miles Rosenthal, Kim Baldwin, Linda Posner, Pat Thomas, James Knight, Eyal Ben Maier, Judy Holmes, Jim Holmes, Helaine Procino, Ed Bender, Jane DeBoe, Tom DeBoe, Brian Reichenbach, Clint Oster, and Mr. Ricart spoke in support of the project; Roger Dey spoke in opposition.

Mr. Siemon was then given the opportunity for rebuttal. In response to various issues that had been raised, he explained that the development would not be used as a transient facility. It would be a secured facility with gates; landscaping was briefly addressed. Mr. Siemon then stated that the property owners would work with the neighbors to construct an entrance for Caribbean Keys and responded to questions from Council. Assistant City Manager George Brown provided additional information as requested.

The public hearing was then closed.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4656.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to amend Ordinance No. 4656, to add a new Condition 15, using language generally consistent with the following: "Prior to the Certificate of Occupancy, the applicant shall design and construct an appropriate community entrance feature for the Caribbean Keys community, subject to review

and approval by City staff.” Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Hanson, seconded by Council Member Freudenberg, to amend Ordinance No. 4656, Exhibit A, Page 2, Line 22, after Condition 6, using language generally consistent with the following: “The bus stop shelter shall be relocated to the existing bus stop that is located just north of the development’s main entrance.” 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 to adopt Ordinance No. 4656, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Hanson, seconded by Council Member Hager, to adopt Ordinance No. 4657. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

The meeting recessed at approximately 8:20 p.m. and reconvened at approximately 8:30 p.m.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to move Item 11, under, “Appeal of Board Decisions,” for consideration immediately after Item 5, Ordinance No. 4657. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson was not present for the vote.

APPEAL OF BOARD DECISIONS:

- 11. Community Appearance Board Decision – (Permit #2-5437)
Boca Teeca #5
6461 N.W. 2nd Avenue

Director of Development Services Jorge Camejo gave the presentation, explaining that this was an appeal of a Community Appearance Board (CAB) decision denying a permit for the proposed installation of security lighting on Boca Teeca Condominium #5. A total of 27 fixtures found on the east and west sides of the building were in question with respect to this application. The CAB denied the permit, stating that the lighting fixtures were inconsistent with CAB standards, which the CAB had enforced for a number of years; they would produce glare towards 2nd Avenue; and they were aesthetically displeasing. In addition, the CAB expressed that other types of lighting could achieve the same level of security.

A. Grant Thornbrough, Chairman of the CAB, provided additional information and answered questions from Council. The City Attorney also provided clarification, as requested, relating to City Code.

John Kruzich, President of the Boca Teeca Condominium #5, Inc., spoke in support of the lighting fixtures.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to grant the appeal, reversing the decision of the Community Appearance Board. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4658

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by amending Policy LU.1.1.1 relating to intensity regulations for commercial and industrial uses; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-02-01)

Assistant City Manager George Brown introduced Development Services Senior Planner Jennifer Simon and expressed that a four-vote majority was necessary for passage of this ordinance.

Ms. Simon gave the PowerPoint presentation, explaining that this was the second of two required hearings. She then stated that passage of this ordinance would provide consistency with the City Code as it pertains to intensity regulations for uses in the MC (Medical Center) and LB (Civic Center and Limited Business) zoning districts. Ms. Simon referenced Ordinance No. 3849, which was passed in 1990 and established a floor area ratio of 0.50 for the LB and the MC zoning districts, with the exception of convalescent homes, nursing homes, interim care facilities, adult living facilities, hospitals and similar uses. For these uses, an intensity standard of 75 beds was applied. The proposed ordinance would correct the maximum intensity standards listed in Policy LU.1.1.1 and eliminate the statement that the MC and LB zoning districts do not have Floor Area Ratio (FAR) limitations.

The Planning and Zoning Board unanimously recommended approval of this petition, and in June 2002, the City Council voted unanimously to transmit this amendment to the Department of Community Affairs (DCA). The DCA completed its review in September and had no objections to the amendment. In conclusion, staff also recommended approval.

No one wished to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4658. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

7. Ordinance No. 4676

An ordinance of the City of Boca Raton amending Section 2-256, Code of Ordinances, to provide for the appointment of representatives of the Palm Beach County School Board as nonvoting members of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

Planning and Zoning Director Carmen Annunziato gave the presentation and explained the new legislative requirements of Section 163.3174 Florida Statutes. The statute provides for the Palm Beach County School Board to appoint a nonvoting representative to the local planning agency. The proposed ordinance provides for that appointment.

No one wished to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to adopt Ordinance No. 4676. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

a. Resolution No. 183-2002

A resolution of the City of Boca Raton appointing representatives of the Palm Beach County School Board as nonvoting members of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

This resolution makes the actual appointments provided for with the adoption of Ordinance No. 4676. One of the four individuals who have been selected by the School Board will attend Planning and Zoning Board meetings when comprehensive plan amendments and rezonings are being considered that would increase residential density.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Resolution No. 183-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

8. Ordinance No. 4677

An ordinance of the City of Boca Raton relating to Transportation Demand Management in Downtown Boca Raton, as defined herein; creating a new Division 8 of Chapter 23, Article IV, Code of Ordinances; requiring existing development, as defined herein, in Downtown Boca Raton to participate in Transportation Demand Management programs; providing for the scope of Division 8; providing for definitions; requiring development, as defined herein, in Downtown Boca Raton to participate in Transportation Demand Management programs; requiring a sworn Statement of Compliance to be filed by property owners; requiring annual reports to be filed by property owners; providing for severability; providing for repealer; providing for codification; providing an effective date

Assistant City Manager George Brown explained that the City Clerk would distribute the revised ordinance, which incorporated an amendment suggested yesterday by Mayor Abrams relating to coordination and training programs.

City Transportation Analyst John Reilly gave the PowerPoint presentation. Mr. Reilly explained that this Transportation Demand Management (TDM) ordinance had been revised to address only the downtown area. In addition, the City would take an active role in providing the infrastructure, which included hiring a City TDM coordinator to identify types of transportation and under what circumstances residents and employees would use alternate forms of transportation for work-related trips. He then provided details as to the proposed responsibilities of the TDM coordinator and the City. Mr. Reilly explained that "payment in lieu of participation" is not an option for buildings within the downtown and proceeded to outline the expected implementation procedure. Strategy categories for implementation include: transit subsidies, carpooling, vanpooling, biking, walking, flexible time, staggered work hours, working from home/satellite office, four-day work weeks, and any new, innovative ideas that meet the goals of TDM. Details and timelines were provided regarding bus shelters, reserve carpool parking, onsite public transit tickets, sworn statements of compliance, and TDM training. By January 2006 or within three years of the Certificate of Occupancy, whichever is later, the reporting process of TDM will begin. By October 2007, or within five years of the Certificate of Occupancy, commuter van service is expected to be available. Mr. Reilly concluded his presentation by stating that the public and the business community worked together with the City in development of this ordinance; he then answered questions from Council.

Sally Stewart spoke in opposition to the ordinance; Joseph Good spoke to the need for traffic management solutions.

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

Motion was made by Deputy Mayor Haynie, seconded by Council Member Freudenberg, to adopt Ordinance No.4677, as revised.

Motion was made by Mayor Abrams, seconded by Council Member Hanson, to amend Ordinance No. 4677, Page 3, Line 12, to read, "...special assessments, developer contributions," 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 to adopt Ordinance No. 4677, as revised and amended, carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager. Council Member Hanson voted no.

REGULAR BUSINESS – PART IV - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 4678

An ordinance of the City of Boca Raton amending the title of Article III, Chapter 9, Code of Ordinances; amending Section 9-50, Code of Ordinances, to amend definitions; creating a new Section 9-53, Code of Ordinances, to prohibit the anchoring or mooring of vessels in a waterway for a period exceeding seventy-two (72) consecutive hours; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hager.

10. Ordinance No. 4679

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pensions; amending Section 12-105, Code of Ordinances, relating to the deferred retirement option plan; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART V - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VI- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Veterans' Day

Mr. Brown provided information relating to the upcoming observance of Veterans' Day, Monday, November 11, 2002.

Fire Bond

A Fire-Rescue bond referendum fact sheet, prepared by City staff, was distributed to Council for review. Mr. Brown indicated that this fact sheet would be mailed to all registered voters next week, one fact sheet per household.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Hager explained that he would be out of town for the public information meetings on the fire bond issue but has written a statement of support for same.

Council Member Hanson explained that a parent of a student at a Montessori School a student has asked how the school might obtain flashing yellow lights. Mr. Brown is to follow up.

Deputy Mayor Haynie reminded those present of tomorrow's meeting of the North Federal Highway focus group, which would take place in the Council Chamber at 5:30 p.m. Code Enforcement issues would be discussed. Ms. Haynie then mentioned that Palm Beach County had colorful stickers printed out in support of its bond issue. She questioned whether similar stickers could be created and distributed in support of the City's upcoming fire bond issue. Mr. Brown is to follow up.

Council Member Freudenberg mentioned that a split-rail fence is being installed on Military Trail, north of Spanish River Boulevard near Yamato Road. He then reminded those present of the two upcoming public information meetings relating to the fire bond issue.

Mayor Abrams reported on the Lake Worth Drainage District's (LWDD) intention to clear the embankment on the L-49 Canal, west of SW 12th Avenue, of good vegetation that is not intrusive. He voiced surprise that LWDD was planning to take this action, particularly since the City and the LWDD had negotiated a solution more sensitive to affected homeowners when this same issue, regarding a different portion of the L-49 Canal, arose previously. Since the LWDD planned to cut vegetation as soon as Monday, it was decided that the City needed to take action quickly. Responding to Mayor Abrams, Mr. Brown provided additional information regarding Council's options. He explained that the City Attorney had drafted a resolution, which, if adopted, would notify the LWDD of the City's intent to initiate conflict resolution procedures pursuant to Chapter 184, Florida Statutes. Copies of this proposed resolution were then distributed and discussion took place.

12. Resolution No. 186-2002

A resolution of the City of Boca Raton stating the City's intent to initiate the conflict resolution procedures of Chapter 164, Florida Statutes, regarding a conflict with the Lake Worth Drainage District; providing for severability; providing for repealer; providing an effective date

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Resolution No. 186-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:35 p.m. on October 22, 2002.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk