

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, JULY 8, 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:**

Council Member Haynie 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 Council Member Haynie, seconded by Hager to amend the agenda to add a bid item for an emergency response vehicle to the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

**PROCLAMATIONS/PRESENTATIONS:**

There were no proclamations or presentations.

**MINUTES:**

Minutes of the Regular Workshop Meeting of June 23, 2003  
Minutes of the Regular Meeting of June 24, 2003

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, 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. Community Relations Board – two (2) vacancies due to term expirations of Leslie Scheper and Deborah A. Carman, whose terms expire 07/25/03.

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

Deborah Carman was reappointed.

- b. Education Advisory Board – six (6) vacancies: three (3) due to term expirations of Kim Parker, Cleveland Peoples, and Madeleine Siegel, whose terms expire 07/28/03; and three (3) due to resignations of student “ex officio” members Stephanie Haskins and Abraham Ovadia and appointment of student “ex officio” member Yuri Konnikov to that of a voting Board member.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to reappoint Kim Parker, Cleveland Peoples, and Madeleine Siegel and to appoint Layla Amjadi as a student “ex officio” member to the Education Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Kim Parker, Cleveland Peoples and Madeleine Siegel were reappointed. Layla Amjadi was appointed as a student “ex officio” member.

- c. Parks and Recreation Board – three (3) vacancies due to term expirations of Ronald L. Betters, Earl Starkoff, and Donna M. Virostek, whose terms expire 07/31/03.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Ronald Betters, Earl Starkoff, and Donna Virostek to the Parks and Recreation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Ronald Betters, Earl Starkoff and Donna M. Virostek were reappointed.

### 2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.h. – Resolution No. 121-2003 / Grant application for removal and control of invasive non-native vegetation on environmentally sensitive City land) A memorandum was provided. Mr. Ahnell explained that there are two priorities when planting native plants and trees on oceanfront park sites: 1) plants and trees must be receptive to environmental conditions associated with the ocean, and 2) development of shade canopies.

### 3. Consent Agenda:

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt the Consent Agenda as amended and with Resolution No. 122-2003, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

- a. Sealed Bid
  - 1) Irrigation Supplies - Renewal  
Requested by Recreation Services  
Hughes Supply, Boynton Pump and Irrigation Supply,  
Hector Turf, Professional Pump Corp.  
DBA Professional Supply \$147,956
  - 2) Emergency Response Vehicle  
Requested by Fire-Rescue Services  
American LaFrance Medic Master \$114,932
- b. Intergovernmental Agreement
  - 1) Sodium Hypochlorite  
Requested by Utility Services  
Allied Universal Corporation \$73,265
- c. Sole Source
  - 1) Portable Firefighting Training Building Simulator  
Requested by Fire-Rescue Services  
Fireblast 451, Inc. \$344,500
- d. Emergency
  - 1) Emergency Sewer Line Repair  
Requested by Utility Services  
Coastal Pipeline, Inc. \$30,595
- e. Change Order
  - 1) Wellfield Rehabilitation and Improvements,  
Change Order #1  
Requested by Utility Services  
Florida Design Contractors, Inc. \$116,459
- f. Exempt
  - 1) Diversity Training  
Requested by City Manager  
Dale Carnegie Training \$35,000
- g. Resolution No. 113-2003

A resolution of the City of Boca Raton relating to the levy of special assessments against the lands and real estate within the downtown special assessment district of the City specifically benefited by certain capital improvement; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 121-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Palm Beach County Department of Environmental Resources Management for removal and control of invasive non-native vegetation on environmentally sensitive City land; 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

i. Resolution No. 122-2003 (Revised 7/7/03)

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Revocable License Agreement with Royal Oak Hills Association, Inc. for the purpose of placing a subdivision sign and sabal palm tree within City right-of-way; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 123-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County for the purpose of reimbursing the City of Boca Raton for a portion of the engineering, permitting, design, construction and mitigation costs of the Central Boca Raton Nourishment Project; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Orders

Special Master and Code Enforcement

- 1) SM (G) Case No. 02-00003981
- 2) SM (G) Case No. 03-00000827
- 3) SM (G) Case No. 03-00000844

l. Receive and File Board Minutes – July 7, 2003

- 1) Citizens Pedestrian and Bikeway Advisory Board  
May 12, 2003
- 2) Community Appearance Board  
May 27, 2003  
June 3, 2003
- 3) Environmental Advisory Board  
May 15, 2003
- 4) Historic Preservation Board  
May 8, 2003 – Special Meeting  
May 20, 2003
- 5) Marine Advisory Board  
May 14, 2003
- 6) Planning and Zoning Board  
May 22, 2003
- 7) Special Master  
May 14, 2003

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

4. Ordinance No. 4713

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.275 acres, more or less, located at 2501 North Ocean Blvd., as described more particularly herein, from R3E Residential District to R5 Residential District; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-02-02)

a. Resolution No. 103-2003

A resolution of the City of Boca Raton granting planned unit development master plan approval of the proposed Mizner Del Mar Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-02-02)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearings. The City Clerk administered the oath to those who indicated they wished to speak on the petitions. Under ex-parte disclosures, Council Member Freudenberg stated that he had spoken with Steve Daniels, Joanne Morrison, and Larry Sehres. Council Member Haynie said she had spoken with Mr. Daniels and Ms. Morrison. Deputy Mayor Whelchel advised she had spoken with Wendy Larsen and all of those persons who had sent emails and letters.

The court reporter identified herself as Denise Medina from Esquire Deposition Services and stated the law firm of Siemon and Larsen, who is representing the petitioner, had retained her.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation and summarized the proposal, which is comprised of three requests for: (1) conditional rezoning on a portion of the site from R-3E to R-5, (2) PUD Master Plan approval – transferring density from the beach, and (3) site plan approval – for a five-unit residential building. Location, land use, zoning, and acreage information for each of the two parcels in question was then provided. The total acreage for both parcels is 0.599 acres; the total number of dwelling units permitted is three. The two parcels are located on the east and west sides of A1A a/k/a North Ocean Boulevard; no development was proposed for the eastern parcel. The structure proposed for the western parcel was reviewed. It was noted that the building's height and use would be consistent with other properties on the west side of North Ocean Boulevard; the structures surrounding the west parcel were then identified. The southern elevation of the building from Lake Wyman Road was detailed; access and parking information was also outlined. The seven-story structure would contain two floors for parking and five floors for residential use; five units are proposed - one unit per floor. The applicant also requested PUD development modifications related to building setbacks, PUD perimeter setbacks, and lot size and width.

The Parks and Recreation Board reviewed this application and recommended a fee in lieu of land for \$9,715, which was included in the resolution. The Environmental Advisory Board also reviewed the application and recommended approval with four conditions, which were incorporated into the resolution; the conditions are related to the dune crossover and sea turtles. The Palm Beach County School Board and the Palm Beach County Traffic Division reviewed the project and found that it complied with the adopted level-of-service for both traffic and schools. The Planning & Zoning Board reviewed the project and recommended denial; the Board was concerned with the intensity of the development.

Mr. Annunziato expressed that staff recommended approval for the following reasons: 1) the building is compatible with tall buildings found north and south along A1A, 2) the project is consistent with the City's level-of-service as outlined in the Comprehensive Plan and the PUD Development Code in regard to its

innovative design, and 3) the native dune and its ecosystem would be protected by allowing the property owner to transfer development rights from the beachfront eastern parcel to the developable parcel on the west. Mr. Annunziato concluded his presentation.

Charles Siemon, the attorney for the applicant, gave an approximate 30-minute presentation, starting with his qualifications. He then provided a detailed timeline of events related to this project, beginning with a letter from City staff, dated November 13, 1996, portions of which he read verbatim. Essentially, staff confirmed that the number of allowable units on the lots was four. In December of 1996, an application was made for a 4-unit project on the west parcel with a building height of 49.86 feet. Approximately five months later, E.B. Developers purchased this land. The application moved forward until November 1997, when the property owners received notice that the City had discovered that its prior letter was based on erroneous calculations; consequently, staff could not support this application. After discussions with staff, a new application was presented in December 1997, proposing one home on the east parcel and one home on the west parcel. In January 1998, the application came before the Environmental Advisory Board, since environmentally sensitive land exists on the east parcel. In March 1998, the property owner applied to the Department of Environmental Protection (DEP) for a permit to build east of A1A. Due to several events, the DEP did not issue a permit until June 2000. It appeared that the application then languished until May 2001. Eventually, staff indicated that they were not prepared to support any application, which included a residence on the east side of A1A; E.B Developers was encouraged to consider an alternative. Several other designs were created, which included cabanas on the east parcel; staff could not support same due to requisite destruction of the dune and vegetation on the east parcel. Staff then suggested an alternative design, which was before Council tonight. Mr. Siemon stated that, as a result of the time and money spent on this endeavor, his client could not concede the development rights on the east side of A1A for less than the proposed building. He confirmed with the Mayor that the entire application file and that the proceedings before the Planning and Zoning Board were a part of the official record. He requested that all files related to applications for development of this parcel, as well as any proceedings before City Council and the Planning and Zoning Board, be made part of the official record of this meeting.

Derek Vander Ploeg, the architect for the project, expressed that one reason why this project has been difficult to complete is due to the change in how land is measured. In 1996, there was no erosion control line; once the line was established, it changed land mass and how it is calculated. Mr. Vander Ploeg then made comparisons between this project and other buildings in close proximity; he provided details regarding all manner of site plan considerations and how conclusions were reached.

Using a PowerPoint presentation, Mr. Siemon addressed the Council, regarding height and compatibility, saying that surrounding structures were taken in consideration when determining the building height of this unit. He then spoke extensively on the subject of the proposed rezoning, stating that it was consistent with the City's Comprehensive Plan and gave statements in support of same. Traffic, parking, and storm water management was also touched on. Mr. Siemon gave closing comments, stating that his client was willing to reduce the units from five to four but would not reduce the mass or the height, as his client needed the square footage to make the endeavor economically feasible.

The City Attorney referred to Mr. Siemon's earlier recitation of the history of events related to applications for this site and clarified that any non-response by the City does not imply that staff accepts same as a correct or complete, factual recitation; it is simply not relevant to this application. On the issue of including all past applications in the record, Ms. Frieser clarified that, under the City's rules, the record of the hearing includes those documents that pertain to this application including the proceedings of the Planning and Zoning Board meeting and those documents pertaining to any other Board that are relevant to this application. She stated that all documents related to prior applications are subject to review pursuant to public records law, but those documents are not part of the official record of this application.

Peter Desiderio, representing the Lake Wyman Steering Committee, gave a PowerPoint presentation and provided opposing arguments regarding, but not limited to, the intensity of the project, the building height, the setbacks, and parking.

Steve Daniels, speaking on behalf of residents of Lake View/Ocean View, displayed a presentation board containing three pictures of the lot in question and corresponding footprints of the project, based on current zoning, the proposed rezoning, and the proposed rezoning including the requested variance. The different setback requirements in each scenario were compared. Mr. Daniels also providing opposing arguments regarding, but not limited to, the intensity of the project, the building height, and parking.

Lawrence Sehres, appearing on behalf of the Yacht and Racquet Club, voiced opposition to the petition. Otto Felix, Sandra Harcourt, and Irwin Feldman also opposed the project. Ralph Kulberg spoke in opposition and submitted petitions in opposition from area residents. Joanne Morrison, President of The Federation of Homeowners, also opposed the project.

Mr. Desiderio, Mr. Daniels, and Mr. Siemon declined to cross-examine anyone who spoke during the public hearing. In addition, no members of the public came forward to make inquiries of anyone who provided testimony in this case.

Mr. Siemon provided rebuttals to testimony previously given. Overall, he stated that staff had been unwilling, or had refused, to move forward with any application that did not preserve the land east of A1A, in accordance with their interpretation of the policy found in the City's Comprehensive Plan. He emphasized that, for approximately five years, his client had responded to staff's directions and recommendations, ultimately presenting this application, which was responsive to their professional opinions. Mr. Siemon addressed the objections of the neighbors, opining that the concerns and fears expressed were exaggerated or unreal. He urged Council to respect the City's Comprehensive Plan, heed the City's professional staff, and approve this application, saying that competent substantial evidence existed to do so. Mr. Siemon referred again to the erroneous letter received by his client, stating that his client had proposed one unit on the east side and one unit on the west side; the project could not get through the process. Consequently, his client did what he was asked to do by staff. In closing comments, Mr. Siemon encouraged Council to approve this application.

Responding to Council, Mr. Annunziato explained that, under the existing zoning, a total of two units could be built on the east parcel up to 50 feet in height, pursuant to the City's regulatory framework. Referencing this current zoning of the eastern parcel, Council questioned why staff denied the original proposal for one unit on the west parcel and one unit on the east parcel. Mr. Annunziato clarified that staff received an application for a Coastal Construction Control Line variance to be processed through the Environmental Advisory Board and then the City Council for one single-family home on the east side of A1A. Due to environmental factors, the permitting process is very extensive when developing on the beach. Details were provided on application for the single-family home application; staff was concerned about both vegetation and turtle protection codes, as was the Department of Environmental Protection (DEP). Due to these findings by the City and DEP, it appeared that the applicant chose to postpone processing of the application. When DEP consequently stated it would not issue a building permit, the application collapsed.

Mr. Annunziato then provided clarification related to the erroneous letter, which was authored by him. In the letter, he stated that four units would be permitted. However, this conclusion was reached based on the data submitted to him in the surveys, which did not reflect the erosion control line. When that was factored in, it was determined that four units could not be built. Details were also provided regarding setbacks from Lake Wyman Road.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4713.*

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to amend Ordinance No. 4713, Exhibit A, Page 2, Condition 2, to add, as the last sentence in the condition, language generally consistent with the following: "The applicant shall record a Unity of Title or other legal instrument unifying the east and west properties subject to the approval of the City Attorney." Motion carried 3 – 2; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Freudenberg voting yes. Council Members Hager and Haynie voted no.*

*The main motion to adopt the ordinance, as amended, failed 0 – 5; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voted no.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 103-2003. Motion failed 0 – 5; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voted no.*

The City Council recessed at approximately 8:48 p.m. and reconvened at approximately 8:56 p.m.

5. Resolution No. 118-2003

A resolution of the City of Boca Raton granting conditional use approval for Fire Station No. 2 on a vacant parcel of land located at 903 West Palmetto Park Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-07)

The City Attorney confirmed that the quasi-judicial procedure, as previously stated, remained in place for this hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He explained that in February 2003, Ordinance No. 4686 was adopted, which created a new Code section requiring that in all residential zoning districts, police and fire stations (and related facilities) owned or operated by the City shall be a conditional use. Acreage and zoning information was provided. The proposed fire station would be comprised of 5,902 square feet, with a maximum building height of approximately 25 feet. A five-foot-high wall and landscaping is proposed by the petitioner in order to provide a buffer between the fire station and residents. The site fronts Palmetto Park Road to the south and Cardinal Avenue (NW 9<sup>th</sup> Avenue) to the east. Ingress and egress would be from both Palmetto Park Road and Cardinal Avenue. It was noted that the 20 parking spaces provided meet the intent of the Code. Unanimous recommendations for approval were received from the Historic Preservation Board and the Planning and Zoning Board. Three neighborhood meetings were also held with surrounding residents to address concerns about the impacts the fire station would have on their community. In conclusion, staff recommended approval of the petition with the conditions outlined in the resolution.

Carl Jacobs spoke in support of the resolution. Seeing no one else come forward to speak, the public hearing was closed.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 118-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

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

6. Ordinance No. 4717 (First of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Glades Road, east of Saint Andrews Boulevard, north of Lake Worth Drainage District Canal No. L-46 west of Military Trail and north of Lake Worth Drainage District Canal No. L-47 east of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

7. Ordinance No. 4718 (First of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Town Center Mall, east of Saint Andrews Boulevard, north of West Palmetto Park Road and west of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

8. Ordinance No. 4719 (First of two required public hearings.)

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located north of Glades Road and east of Powerline Road and comprising all currently unincorporated property in the Santa Barbara residential community, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

Assistant City Manager George Brown gave a PowerPoint presentation on all three ordinances. He explained that Ordinance No. 4717 called for the annexation of the Town Center Mall area. Acreage, population, and the number of affected businesses were detailed and the assessed value of \$523,675,708 was provided. The fiscal impact of this annexation, which is comprised of Areas 1 – 4 as noted on an accompanying map, reflected an ongoing net to the City of Boca Raton in the amount of \$1,254,781.

Ordinance No. 4718, which provides for the annexation of the Town Place area, was addressed next. Acreage, population, and affected businesses were detailed; the assessed value is \$110,323,402. The fiscal impact of this annexation, comprising Area 5 as identified on an accompanying map, revealed an ongoing net to the City of \$501,437.

Ordinance No. 4719 calls for the annexation of the Santa Barbara subdivision. Acreage and population was provided; there are no affected businesses in this area. The assessed value is \$60,008,563. The fiscal impact of this annexation, encompassing Area 6 on an accompanying map, shows an ongoing net to the City of \$151,286.

Mr. Brown then addressed the fiscal impacts of annexation on those areas proposed to be absorbed into the City. Those owning residential property assessed at \$150,000 net taxable value would receive a savings of approximately \$183 annually, which equates to a 14.5% savings in taxes and fees. An average business in the area would receive a savings of approximately \$354 annually or a 5.7% savings. It was noted that annexed areas would experience reduced costs and improved services.

The cumulative annexation impacts were provided. Total acreage, population, and businesses of all annexed areas were detailed; the total assessed value is \$694,007,673. The summary of the fiscal impact of annexation of Areas 1 – 6 reflected a total ongoing net to the City of \$1,907,503.

Tonight's public hearing comprised the first of two required public hearings for the three annexation referendum ordinances; the second public hearing will be conducted July 22, 2003. The City of Boca Raton Special Election is scheduled for September 9, 2003, and the annexation referendum elections are proposed for November 4, 2003. Mr. Brown concluded his presentation and answered questions from Council.

A separate public hearing was opened for each ordinance; no one came forward to speak. No vote was taken. The second public hearing for Ordinance Nos. 4717, 4718, and 4719 is scheduled for July 22, 2003.

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

There were no items for consideration.

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

9. Ordinance No. 4720

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease agreement with the Children's Museum, Inc. for the City-owned property located at 498 Crawford Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-06)

Council Member Freudenberg introduced the ordinance.

10. Ordinance No. 4721

An ordinance of the City of Boca Raton amending Sections 19-71 through 19-75, Code of Ordinances, relating to appeals from fire and building codes; creating Sections 19-76 and 19-77, Code of Ordinances, relating to variances to Chapter 22, Code of Ordinances; amending Sections 22-56 through 22-65, Code of Ordinances, relating to marine structures; creating Section 22-66, Code of Ordinances relating to non-conforming structures; renumbering Section 22-67, Code of Ordinances, creating Section 22-68, Code of Ordinances, relating to the granting of variances; amending Section 28-1486, Code of Ordinances, relating to mooring; providing for severability; providing for repealer; providing for codification; providing an effective date

Deputy Mayor Whelchel introduced the ordinance.

**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.

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

11. Selection of Voting Delegate for Florida League of Cities Annual Conference

The City Manager explained that the Florida League of Cities Annual Conference was scheduled for August 14 -16, 2003, and asked Council to designate a representative to attend same.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to designate Council Member Haynie as the City's voting delegate. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.*

Mizner Park

Mr. Ahnell distributed copies of a letter from Codina Management containing a request to work with the City in a collaborative analysis of opportunities in regard to Mizner Park. Crocker Downtown Development (CDDA) would provide an escrow account in the amount of \$50,000 in order to reimburse the City for costs associated with the evaluation. Focus would be given to re-examining of leases and "buy out" options in particular. Brief discussion followed. The City Manager was directed to move forward with this endeavor.

**CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Freudenberg referenced the voluntary annexation of Fox Landing, which is comprised of 36 residents, and requested an update. Planning and Zoning Director Carmen Annunziato explained that staff was preparing petitions and would be meeting with residents shortly to commence the voluntary annexation procedure; staff was hoping to secure 100% support for the voluntary annexation.

Council Member Haynie stated that she had attended the grand opening of the Palm Beach County Interim Traffic Management System (ITMS). She commented positively on same.

Council Member Hager referred to ongoing road construction on Potomac Road between Military Trail and St. Andrews Boulevard and questioned what work was being done there. Mr. Ahnell explained that it is a well rehabilitation, which should be completed soon.

Council Member Hager commented on the impending demolition of One North Ocean and complimented staff for their efforts in bringing about this action.

Mayor Abrams referred to a letter he received from the Royal Oak Hills Homeowners' Association, asking that the City delay action regarding removal of the ficus trees located at the Camino Real entrance to the subdivision. It was agreed that the August 1 removal date would be postponed until the City Manager reports back to Council. The Mayor advised he would respond to the letter.

**ADJOURNMENT:**

*Motion was made by Council Member Freudenberg, seconded Council Member Haynie, 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 9:27 p.m. on Tuesday, July 8, 2003.

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

ATTEST:

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Sharma Carannante, City Clerk