

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, AUGUST 26, 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 Hager 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 Deputy Mayor Whelchel, to amend the agenda to add Resolution No. 148-2003 to the Consent Agenda and to consider "Regular Business – Parts II and III" immediately after the board appointments. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

PROCLAMATIONS/PRESENTATIONS:

Literacy Awareness Month – September 2003

Library Services Manager Catherine O'Connell accepted the proclamation.

City of Boca Raton Fire Fighter Appreciation Week – August 25 through September 1, 2003

Fire Chief Bruce Silk and Fire Lt. Mike Gergora accepted the proclamation.

Proclamation in Support Of City of Boca Raton Public Schools

Deputy Mayor Whelchel introduced the area superintendent and the principals of Boca Raton schools that were present to accept the proclamation.

Proclamation Recognizing the Accomplishments of SABR's TOPSoccer Program

Deputy Mayor Whelchel presented the proclamation to Earl Starkoff and Art Turpel. TopSoccer Buddy Brian Orr was specifically recognized for his contributions to the program.

MINUTES:

Minutes of the Leadership and Strategic Planning Workshop Meeting of May 22 & May 23, 2003
Minutes of the Regular Workshop Meeting of July 21, 2003
Minutes of the Regular Meeting of July 22, 2003
Minutes of the Special Meeting of July 29, 2003
Minutes of the Budget Workshop Meeting of July 29, 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 – one (1) regular member vacancy due to term expiration of Leslie Scheper, whose term expired 07/25/03, and one (1) student member vacancy due to termination of eligibility of Elizabeth Barron.

There were no applicants; the positions will be re-advertised.

- b. Telecommunications Advisory Board – two (2) vacancies due to term expirations of Donald R. Kost, Jr. and Dale M. Gregory, whose terms expire 09/08/03.

Frederick Kleber expressed interest in serving on the board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to reappoint Dale Gregory and appoint Frederick Kleber. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Mr. Gregory was reappointed, and Mr. Kleber was appointed.

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

4. Resolution No. 131-2003

A resolution of the City of Boca Raton granting conditional use approval for a drive-through restaurant on a parcel of land located at 1371 West Palmetto Park Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-09)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. Under ex-parte disclosures, Council Member Freudenberg stated that he had spoken with Mitch Kirschner, Jim Cosentino, and Jeff Sussman. The City Clerk then administered the oath to those who indicated they wished to speak on the petition.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. Location, acreage, and zoning information were provided. The existing building is 8,464 square feet and was previously occupied by a retail record store, known as Peaches. The petitioner, Krispy Kreme, proposed to add a single, drive-through lane and convert the building into restaurant and office uses; no additional square footage was requested. The restaurant would be located in the western portion of the building; the offices would be located in the eastern portion. It was noted that the project met all parking requirements as outlined in the City Code; additional details were provided. Mr. Kerr also stated that Krispy Kreme would

modify the parking areas and access points to the business to bring them up to Code and to alleviate existing congestion problems. Daily trip generations and height elevations were then delineated.

The Planning & Zoning Board reviewed the petition and unanimously recommended approval with a condition that requires a traffic separator between the drive-through lane and the parking aisle to the north; this condition was included in the resolution. Mr. Kerr stated that staff recommended approval of the petition; he then concluded his presentation and answered questions from Council.

No one wished to speak at the public hearing.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 131-2003. 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. 4722 (Transmittal public hearing – first of two required public hearings.)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.812 acres, more or less, located at 1 North Ocean Boulevard, as more specifically described herein, from C (Commercial) and RM (Residential Medium) to RH (Residential High); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-03SC/ZC/SPA)

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He explained that this petition would allow for construction of a 36-unit, 64 foot or 5-story, luxury condominium with a clubhouse, swimming pool and spa, located at One North Ocean Boulevard. This ordinance was part of a request for Universal Conditional approval, which includes four applications; 1) an amendment to the Future Land Use Map of the Comprehensive Plan, 2) a rezoning, 3) Planned Unit Development (PUD) Master Plan approval, and 4) site plan approval. Acreage and location information were provided; surrounding buildings and roadways were outlined, as was the current zoning.

Mr. Zurita stated that both an existing 21,681-square-foot, 3-story commercial building and a 3,000-square-foot, 4-unit apartment building, previously located on the subject property, had been demolished. Consequently, the site was vacant. It was noted that this petition was conditioned upon abandonment of a dedicated right-of-way, sale of City-owned property, and abandonment of all easements located on the property, which would require underground relocation of all utilities contained therein. These issues would be addressed at the second required public hearing.

Since a Comprehensive Plan amendment was proposed, a state review of the petition by the Department of Community Affairs (DCA) is required; the procedure for transmittal of same was outlined. The second public hearing would be scheduled after receiving input from the DCA. Mr. Zurita then provided extensive detail in regard to each of the four applications, as delineated above, before addressing questions raised at yesterday's workshop regarding the zoning history of similar projects, the location of R-5-A zoning districts within the City, open space requirements, building height, access along Wave Crest Way, and what is allowed under current zoning. The presentation was concluded; Mr. Zurita then answered questions from Council.

In response to a question from Council, Transportation Planning Engineer Luanna Deans explained why a left-turn only egress from the parking garage on Wave Crest Way would be problematic to enforce.

The public hearing was then opened.

Chris Wheeler, the attorney representing the petitioner, OPUS South, delivered a PowerPoint presentation and provided arguments in support of the project. During the course of his commentary, Mr.

Wheeler drew attention to a proposed commercial development, stating that his client considered this a "back-up option," should the residential project be rejected.

Frank Kreidler, the attorney representing Riviera Civic Association, spoke in opposition to the project, citing "spot zoning," density, and incompatibility with adjacent properties. He also stated that the developer should comply with the City Code and implement the setbacks delineated therein.

Grant Thornbrough, Ed Malavenda, Philip Doherty, Joan Doherty, Kathleen Schriefer, Ivan Kaplan, Jan Grenell, Joseph Good, Steve Laine, Ronald Goldfarb, Mark Landau, Bill Smith Sr., Chuck Penola, Pepi Dunay, Tom Vinci, Allen Bell and Brad McCall voiced support for the project. Robert Oksman, Eddie Morris, Paul Stuart, Chris Fluehr, Pam Oldfield, Emil Danciu, Justin Niles, Marcia Stevens, Merle Haber, and Sue Merrill voiced opposition.

Council tendered additional questions to Mr. Zurita including, but not limited to, setbacks and zoning. The City Attorney provided additional information related to the proposed DCA review. Ms. Frieser referred to a comment made earlier relating to building height and clarified that there is a provision in the City Code regarding PUDs, which provides for a maximum (building height) of 50' or the underlying zoning. In this case, if the underlying zoning were R-5-A, the allowable height would in fact be higher than 50 feet.

Motion was made by Mayor Abrams, seconded by Council Member Hager, to transmit Ordinance No. 4722 to the Department of Community Affairs (DCA) for review. Motion carried 3-2; Mayor Abrams, Deputy Mayor Whelchel and Council Member Hager voting yes. Council Members Freudenberg and Haynie voted no.

The meeting was recessed at 10:10 p.m. and reconvened at 10:22 p.m.

6. Ordinance No. 4724 (Transmittal public hearing - first of two required public hearings.)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 17.2 acres, more or less, located at 701 Canal View Drive, as more specifically described herein, from Industrial Manufacturing (IM) and Commercial (C) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-03-04)

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. He explained that the petitioner was requesting a Future Land Use amendment to the Comprehensive Plan, in addition to separate petitions for: 1) a Notice of Propose Change (NOPC) and master plan modification to the Peninsula Corporate Center Development of Regional Impact (DRI), 2) a rezoning, 3) Planned Unit Development (PUD) Master Plan approval, and 4) site plan approval. However, the only item Council would vote on tonight was whether or not to transmit the Future Land Use amendment to the Department of Community Affairs.

Buildings surrounding the subject property were delineated. A residential component is proposed to be added to the northeastern portion of the property. Consequently, the following changes were being requested to the DRI order: 1) reduction in square footage of the office space, 2) deletion of approved restaurant use and financial institution use, and 3) addition of 155 residential townhouse units, known as Peninsula Village Greens. Proposed changes in zoning and land use were outlined. The project, itself, would include green space, variations in housing design, and bicycle and pedestrian paths in a non-gated community. Details were provided regarding access, a park system, open space, the community center, and the five different housing types. Parking, streetscapes, and traffic impacts were also reviewed; a decrease in trip generations is expected.

Mr. Kerr explained that this project was reviewed by staff to determine consistency, compatibility, and concurrency with the Comprehensive Plan. He then spoke to the PUD development modifications being proposed in regard to the building setbacks and the PUD perimeter setbacks. The Parks and Recreation Board, Environmental Advisory Board, Palm Beach County School Board, and the Planning and Zoning

Board reviewed the project; Mr. Kerr provided the findings of each entity, which were favorable. He then concluded his presentation and answered questions from Council.

The public hearing was opened.

Bonnie Miskel, representing the applicant, answered questions from Council and asked for support of the project.

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

At Council's request, Director of Development Services Jorge Camejo and Mr. Kerr provided additional information on this project.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to transmit Ordinance No. 4724 to the Department of Community Affairs (DCA) for review. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

7. Ordinance No. 4726 (Transmittal public hearing – first of two required public hearings.)

An ordinance of the City of Boca Raton amending the Comprehensive Plan; amending the Public School Facilities Element by amending Table 1.1-1 and Table 1.1-2 to provide updated tiered and maximum level of service standards for public schools; amending Table 1 of the Capital Improvement Element to incorporate the updated six-year Capital Improvement Schedule; amending the Map Appendix by amending maps PS 2.1, PS 3.1, and PS 3.3 to provide updates to school facilities planning; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-02-09)

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation. She explained that the proposed amendments would implement the terms of the Palm Beach Interlocal Agreement to Establish School Concurrency, which was executed by the City on January 11, 2001 and recorded with the County on January 25, 2001. This agreement requires that the City and the County, along with each participating municipality, annually revise their respective Comprehensive Plans to incorporate changes adopted by the School Board, which reflect current population projections and all related data used for the school concurrency program. Extensive details related to the proposed amendments were outlined. It was noted that the Planning and Zoning Board unanimously recommended approval of the amendments, as did Development Services staff. Ms. Simon concluded her presentation and answered questions from Council.

During the public hearing, Scot Menke referred to Resolution No. 132-2003 and voiced concern that passage of same would weaken existing concurrency standards and impact this ordinance. He also commented on the change in procedure regarding dates when reports are due, stating that, under the current agreement, if the City requested a report from the Technical Advisory Group (TAG), it would have to be provided in 90 days. If the First Amendment to the agreement (Resolution No. 132-2003) were passed, that provision appears to be deleted; the City would have to wait until December 15 of each year for a response, regardless of when it was tendered. Mr. Menke suggested that if the concurrency agreement was to be modified, it might be prudent to postpone modifying the Comprehensive Plan.

Deputy Mayor Whelchel voiced similar concern and suggested postponing consideration of the resolution.

Responding to Council's queries, the City Manager provided additional information related to TAG and that group's position on this issue. Ms. Simon also gave a more extensive explanation in regard to the issues raised by Mr. Menke.

Motion to Extend the Meeting

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to extend the meeting beyond 11:00 p.m. Motion carried 3-2; Mayor Abrams, Deputy Mayor Whelchel and Council Member Haynie voting yes. Council Members Freudenberg and Hager voted no.

Seeing no one else come forward, the public hearing on Ordinance No. 4726 was closed.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to transmit Ordinance No. 4726 to the Department of Community Affairs (DCA) for review. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

8. Ordinance No. 4727 (Transmittal public hearing – first of two required public hearings.)

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by creating Policy LU.1.1.6 relating to the provision of municipal buildings and facilities within specific zoning districts; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-03-13)

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation. She stated that the proposed ordinance would create a new policy to promote a more convenient and efficient delivery of public services by allowing public buildings and facilities in specific zoning districts within the City of Boca Raton. This amendment is considered a housekeeping item, as it would implement language already adopted in Section 28-1305 of the Code of Ordinances. Ms. Simon then read Code Section 28-1035 and the proposed Policy LU.1.1.6 into the record. She noted that the Planning and Zoning Board reviewed this item and unanimously recommended approval, as did Development Services staff. Ms. Simon then concluded her presentation.

No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to transmit Ordinance No. 4727 to the Department of Community Affairs (DCA) for review. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.1 – Boca Raton Mausoleum Repairs) An e-mail was provided. Mr. Ahnell explained that while staff had made suggestions over the years and could certainly determine code compliance, staff had no input on what type of interior or exterior finishes are used regarding the mausoleum.

(Consent Agenda Item 3.a.2 – SW 7th Avenue Bridge Widening for Pedestrians) A memo was provided. The City Manager referred to comments made by a resident yesterday asking that a higher bridge be built. Staff reviewed the request and spoke with the Royal Oak Hills Homeowners' Association to obtain input; a copy of correspondence from the homeowners' association was attached to the memo, which supported passage of this item without any changes. Mr. Ahnell stated that staff's cost estimate to implement the modifications discussed yesterday would exceed \$500,000.

(Consent Agenda Item 3.d.3 – Traffic Signal Installations and Modifications) An e-mail was provided. Mr. Ahnell referred to the intersection of NW 9 Court and NW 13 Street, saying that "No Parking" signs had been installed to alleviate problems with people parking along the roadway; this remedy appears to be effective.

(Consent Agenda Item 3.s – Resolution No. 145-2003 / Work Order No. 14 with Hazen and Sawyer, P.C. in regard to ocean outfall monitoring for the Glades Road Wastewater Treatment Plant) A memo was provided. Mr. Ahnell explained that monitoring and testing of the ocean outfall would be conducted in two phases and provided details regarding same. He also explained that the City would be conducting a long-term study with the Florida Department of Environmental Protection (FDEP), the Environmental Protection Agency (EPA), and the National Oceanic and Atmospheric Agency (NOAA) to determine the effects of ocean outfall on the environment.

(Computer Virus) An e-mail was provided. Mr. Ahnell referred to the recent, large computer virus, which attacked computers worldwide, and explained that over 40,000 infected e-mails were blocked in a two-day period through the efforts of the City's Information Technology Department. Compliments were extended to Information Technology Director Walt Scrivens and his staff.

(Mosquito Control) An e-mail was provided. The City Manager stated that the last Countywide spraying for mosquitoes took place August 21, 2003. He explained that there was no specific schedule for spraying; however, if an outbreak of West Nile disease occurs in an area, the County will spray immediately. Otherwise, spraying takes place on an "as needed" basis.

3. Consent Agenda:

At the public hearing, Carl Jacobs referenced Item 3.e.1. (Access Control System) and questioned whether this item included wiring for an automatic gate yet to be installed at Airport Road. Mr. Ahnell advised that installation of the gate had been postponed pending reconstruction of Airport Road. However, a guard is on duty at the site around the clock.

Scott Zednek referred to Item 3.t. (Resolution No. 146-2003) and suggested limiting the scope of this project in order to exempt Red Reef from being covered with sand in accordance with the proposed beach renourishment plan.

Scot Menke spoke to Item 3.d.3. (Traffic Signal Installations and Modifications) regarding the proposed traffic signal at NW 9th Court and NW 13th Street, saying that a signal at that intersection might exacerbate existing problems. He then commented on the school concurrency agreement (Item 3.g., Resolution No. 132-2003), voicing concern regarding capital projects occurring on time.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to approve the Consent Agenda, as amended, to move Item 3.g. for consideration under "Regular Business – Part VII," (and with the addition of Resolution No. 148-2003, which was added under Amendments to the Agenda). Motion carried unanimously; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Freudenberg, Hager and Haynie voting yes.

a. Sealed Bids

- | | | |
|----|--|-----------|
| 1) | Boca Raton Mausoleum Repairs
Requested by Recreation Services
Hartzell Construction, Inc. | \$99,160 |
| 2) | SW 7th Avenue Bridge Widening for Pedestrians
Requested by Municipal Services
Majestic Group Enterprises | \$147,418 |

b. Competitive Sealed Proposal Renewal

- | | | |
|----|---|----------|
| 1) | Overhead Door, Gate and Operator Maintenance - Renewal
Requested by Municipal Services & Recreation Services
Electronic Door Lift, Inc. | \$48,210 |
|----|---|----------|

c. Sealed Bid Renewals

- | | | |
|----|--|-----------|
| 1) | Bulk Quicklime - Renewal
Requested by Utility Services
Caremuse Lime & Stone | \$774,400 |
| 2) | Recycled Plastic Wood Picnic Tables,
Trash Receptacles & Park Benches - Renewal
Requested by Recreation Services
American Recreational Products | \$54,367 |

d. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Park Restroom Renovations
Requested by Recreation Services
Recreational Design & Construction, Inc. | \$147,025 |
| 2) | Traffic Video Detection System
Requested by Municipal Services
Community Asphalt Corporation | \$81,920 |
| 3) | Traffic Signal Installations and Modifications
Requested by Municipal Services
The Signal Group | \$262,321 |

e. Sole Source

- | | | |
|----|--|----------|
| 1) | Access Control System (New)
Requested by Utility Services
Johnson Controls, Inc. | \$65,690 |
| 2) | Parking Ticket Software - Replacement
Requested by City Manager
HTE Inc | \$32,200 |

f. Exempt

- | | | |
|----|--|----------|
| 1) | Six-Seat Motion Bae imagidome Exhibit (New)
Requested by Recreation Services
Imagicom, Inc | \$60,000 |
|----|--|----------|

h. Resolution No. 133-2003

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, right-of-way acquisition and construction of the turn lane improvements at Dixie Highway and Hidden Valley Boulevard intersection; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 134-2003

A resolution of the City of Boca Raton amending Resolution No. 72-2001; deleting the estimate of average cost per unit of SHIP housing; amending the maximum purchase price per unit; authorizing the City Manager or designee to approve expenditure of SHIP funds not to exceed \$30,000.00; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 135-2003

A resolution of the City of Boca Raton waiving the Payment in Lieu of Taxes for the Boca Raton Housing Authority for fiscal year ending September 30, 2004; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 136-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the State of Florida Department of Community Affairs for the purpose of receiving State and Federal Emergency Management Agency (FEMA) funds for the purchase and installation of hurricane shutters for Fire Station Number Six; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 137-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 13 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 138-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue facilities; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 139-2003

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of May 22 and 23, 2003 (entitled "Leadership 2003") and the Strategic Plan 2003-2008 Update (including the Action Agenda for 2003-2004); providing for severability; providing for repealer; providing an effective date

o. Resolution No. 140-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Edwin P. Haller and Minerva C. Haller for the purpose of placing a dock within City right-of-way for the El Rio Canal; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 141-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance, Office of Justice Programs, Local Law Enforcement Block 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

q. Resolution No. 142-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a federally funded subgrant agreement with the State of Florida Department of Community Affairs for the purpose of receiving federal funds for "Operation Liberty Shield" expenses; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 144-2003

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection ("State"), subject to the City's regulatory authority and the Code of Ordinances; advising the State that the City will have the ability to provide the local funding share necessary to implement any State beach and coastal management program in which the City elects to participate; authorizing the City Manager to forward a long-term beach funding plan to the State; providing for the repeal of Resolution No. 102-2002; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 145-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 14 with Hazen and Sawyer, P.C. for the purpose of providing engineering services related to current monitoring for the Glades Road Wastewater Treatment Plant ocean outfall; providing for severability; providing for repealer; providing an effective date

t. Resolution No. 146-2003

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 for a portion of the engineering, design, construction and mitigation costs of the Central Boca Raton Beach Nourishment Project; repealing Resolution No. 123-2003; providing for severability; providing for repealer; providing an effective date

u. Board Resignations

Resignation of Ron Peasley from the Code Enforcement Board

v. Receive and File Board Orders

- 1) SM(G) Case No. 00-307
- 2) SM(G) Case No. 01-3341
- 3) SM(G) Case No. 02-4113
- 4) SM(G) Case No. 03-00000908
- 5) SM(G) Case No. 03-00001333

w. Receive and File Board Minutes – August 26, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board
June 9, 2003
- 2) Community Appearance Board
July 1, 2003
July 8, 2003
July 15, 2003
July 22, 2003

- 3) Financial Advisory Board
April 28, 2003
- 4) General Employees' Pension Board
May 8, 2003
- 5) Historic Preservation Board
June 17, 2003
- 6) Marine Advisory Board
June 11, 2003
- 7) Parks and Recreation Board
July 1, 2003
- 8) Pearl City Blue Ribbon Committee
June 26, 2003
- 9) Planning and Zoning Board
June 5, 2003
June 19, 2003
July 17, 2003
- 10) Special Master
June 11, 2003

3.x Resolution No. 148-2003

A resolution of the City of Boca Raton supporting the conversion of South Technical Community High School to a charter school and urging the Palm Beach County School District to approve such conversion; authorizing the City Clerk to transmit a copy of this resolution to officials of the Palm Beach County School District; providing for severability; providing for repealer; providing an effective date

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

9. Ordinance No. 4728

An ordinance of the City of Boca Raton amending Section 8-27, Code of Ordinances, to revise the definition of "Professional"; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

10. Ordinance No. 4729

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing and effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

John Stetz reiterated his opposition to the beach renourishment project and the proposed action concerning Red Reef, in particular. Tim Lands, Dani Noell, Alex Onisko, John Freeman and Lorraine Streat also spoke in opposition. A petition was submitted to the City Clerk, listing signatures of those against the renourishing of Red Reef.

Brian Ross encouraged Council to approve construction of a championship golf course on the City-owned Boca Tech property.

David Walton voiced opposition to the citrus canker program and stated that he would be asking for Council's help in the future.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

11. Resolution No. 147-2003

A resolution of the City of Boca Raton establishing the North Federal Highway Steering Committee; providing for membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

The City Manager gave a brief presentation. He explained that, per Council's direction, the committee membership would be comprised of eight members. The boundaries of the subject area run north of Yamato Road and east of Dixie Highway and, on the eastern side, the Intracoastal Waterway to the northern City limits. He then identified the categories comprising the membership, which would operate under the Sunshine Law, in accordance with Robert's Rules, and without compensation.

Deputy Mayor Whelchel suggested an amendment to the category regarding commercial property owners, asking that one of the two commercial property owners consist of an "owner or owner's designee, such as a site property manager." Much discussion followed. Mr. Ahnell provided additional information as requested by Council.

No one wished to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 147-2003.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to amend Resolution No. 147-2003, Page 2, Line 11, using language generally consistent with the following: "...2-Commercial Property Owners, (or property manager as identified by a commercial property owner) who need not be residents...." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

The vote on the main motion to adopt Resolution No. 147-2003, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

3.g. Resolution No. 132-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Interlocal Agreement with Palm Beach County, the Municipalities of Palm Beach County, and the School District of Palm Beach County to establish public school concurrency; providing for severability; providing for repealer; providing an effective date

Deputy Mayor Whelchel suggested that this item be postponed pending additional research to answer questions, which came up earlier in the evening.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to postpone consideration of Resolution No. 132-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

12. Setting of the date for the public hearing on the petition for a Notice of Proposed Change (NOPC) for Boca Technology Center Development of Regional Impact (DRI) (SC-98-03R4)

Mr. Ahnell explained that the petitioner was proposing to make changes to the DRI to accommodate a Tri-Rail Intermodal Facility, modify access points off of Yamato Road, and relocate an existing preservation area. The City Manager then outlined the deadlines involved in hearing this petition, per the Florida Statutes, and recommended that the public hearing be scheduled for September 23, 2003.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to set the public hearing for this matter for September 23, 2003. 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 from Council to schedule an Executive Session to discuss the litigation in regard to the "sober house" case.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, authorizing the City Attorney to schedule an Executive Session. 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 Haynie confirmed with Mr. Ahnell that the date of the town hall meeting to discuss the proposed annexation is next Wednesday, September 3, 2003 at 6:00 p.m. in the Community Center.

Mayor Abrams referred to the request made by Brian Ross during Public Request to construct a championship golf course on the City-owned property at Boca Tech. Mayor Abrams stated that he was comfortable with the current direction being taken by staff and asked for comment from Council. In general, Council agreed to continue to follow current plans, which resulted from meetings and workshops whereby City residents' input was obtained.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded Deputy Mayor Whelchel, 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 12:15 a.m. on Wednesday, August 27, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk