

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 23, 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 by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to delete Item No. 5, Ordinance No. 4728, and Item No. 9, Ordinance No. 4735, and to add Ordinance No. 4739 to "Part V – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

PROCLAMATIONS/PRESENTATIONS:

Leukemia & Lymphoma Awareness Month – September 2003

The proclamation was read; however, no one was present to accept the proclamation.

Disabilities Awareness Weekend – October 10 through 12, 2003

Mary Ellen Burton-Jones, representing the City's Advisory Board for the Physically and Mentally Challenged, accepted the proclamation and provided commentary on the aforementioned event.

MINUTES:

Minutes of the Regular Workshop Meeting of September 8, 2003
Minutes of the Regular Meeting of September 10, 2003
Minutes of the Tentative Budget Meeting of September 16, 2003

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt 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. North Federal Highway Steering Committee – (new committee) - eight (8) vacancies in specific categories, as established in Resolution No. 147-2003.

Glen Ged, a commercial property owner, interviewed for a position on the Committee. Margaret Castronovo interviewed for a position on the Committee under the category of residential property owner.

Mayor Abrams mentioned a letter received from Derek Vander Ploeg regarding his residency in the North Federal Highway area; Mr. Vander Ploeg noted that he was not yet a resident but expected to move into a home in that area in approximately 30 days. Responding to Council, the City Attorney cited language in the ordinance related to requirements for residential property owners. Specifically, the language states, "...residential property owner residing in the Master Plan area." Ms. Frieser clarified that, generally, this means that on the day of appointment, the individual has met the qualifications for appointment. Consequently, Mr. Vander Ploeg was not residing in the Master Plan area as of today, and appointments were being made today. Ms. Frieser then responded to questions from Council Member Hager in regard to the above.

Commercial Property Owner: (2 vacancies)

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to appoint Glen Ged and Diane Heinz to the positions in the category of "Commercial Property Owner." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Glen Ged and Diane Heinz were appointed to the Committee as commercial property owners.

Residential Property Owner: (4 vacancies)

Under the category of "Residential Property Owner," Council Member Haynie nominated Gerald Bradley, Margaret Castronovo, Tarina Rasmussen, and Debora Oster. Deputy Whelchel nominated James Knight, Carrie Lynn, and Derek Vander Ploeg. Nominations were then closed without objection.

In the voting: Mayor Abrams voted for James Knight, Tarina Rasmussen, Carrie Lynn, and Debora Oster. Deputy Mayor Whelchel voted for Derek Vander Ploeg, Debora Oster, Carrie Lynn, and James Knight. Council Member Freudenberg voted for Gerald Bradley, Margaret Castronovo, Tarina Rasmussen, and Debora Oster. Council Member Hager voted for Debora Oster, James Knight, Carrie Lynn, and Derek Vander Ploeg. Council Member Haynie voted for Gerald Bradley, Margaret Castronovo, Tarina Rasmussen, and Debora Oster.

James Knight, Tarina Rasmussen, Carrie Lynn, and Debora Oster were appointed to the Committee as residential property owners.

Small Scale Business Owner: (1 vacancy)

Under the category of "Small Scale Business Owner," Deputy Mayor Whelchel nominated Brian Duffey; Council Member Haynie nominated Rick Howard. Nominations were then closed without objection.

In the voting, Mayor Abrams, Deputy Mayor Whelchel, and Council Member Hager voted for Brian Duffey; Council Members Freudenberg and Haynie voted for Rick Howard.

Brian Duffey was appointed to the Committee as a small-scale business owner.

Large Scale Business Owner: (1 vacancy)

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Thomas Salzman to the position of Large Scale Business Owner. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Thomas Salzman was appointed to the Committee as a large-scale business owner.

2. Responses to Workshop Information Requests:

There were no responses as the City Manager answered Council's questions at yesterday's workshop meeting.

3. Consent Agenda:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

a. Sealed Bids – FY 02/03

- | | | |
|----|--|-----------|
| 1) | Lighting Upgrade for Roller Hockey Rink at Sugar Sand Park
Requested by Recreation Services
Ace Electrical Service, Inc. | \$112,196 |
| 2) | Jog Road - Supplemental Beautification Project
Requested by Recreation Services
Tropic Landscaping & Lawn Maintenance, Inc. | \$59,771 |
| 3) | Reclaimed Water Production Facilities Existing
Upflow Filter Modifications
Requested by Utility Services
Interstate Engineering Corp. | \$587,180 |

b. Sealed Bids – FY 03/04

- | | | |
|----|--|-----------|
| 1) | Landscape Maintenance for I-95 Interchanges
at Yamato Road
Requested by Recreation Services
Complete Property Services | \$26,145 |
| 2) | Preventative Maintenance Of Automobile and Light Trucks
Requested by Municipal Services/ Fire Rescue Services
Auto Air/Auto Care of Boca, Inc. | \$86,000 |
| 3) | Welding Services
Requested by Municipal Services/ Recreation Services
Slim's Welding, Inc. | \$58,200 |
| 4) | Electrical Supplies
Requested by Municipal Services
Erin Electrical Enterprises, Rexal Consolidated, GE Supply,
McDonald Distributors of FL, Miami Breakers Inc.,
Mercedes Electric Supply Inc., W.W. Grainger, Inc. | \$130,000 |

- c. Competitive Sealed Proposal – FY 02/03
- 1) Sound System for Sugar Sand Park Willow Theatre
Requested by Recreation Services
TM Sound and Lighting \$47,681
- d. Competitive Sealed Proposal Renewals – FY 03/04
- 1) Custodial Maintenance Services - Renewal
Requested by City Wide
Sunshine Cleaning Systems, Inc. \$327,882
 - 2) Competitive Sealed Proposal Renewal
Vehicle Air Conditioning Repairs - Renewal
Requested by Fire Rescue Services/ Municipal Services
Auto Air of Boca, Inc. & Kramer Auto Electric and AC \$46,000
- e. Sealed Bid Renewals – FY 03/04
- 1) Office Supplies - Renewal
Requested by City Wide
Corporate Express \$175,000
 - 2) Printer Cartridges, Ribbons and Media Supplies - Renewal
Requested by City Wide
Martin Associates, Inc. \$75,000
 - 3) Janitorial Supplies - Renewal
Requested by City Wide
Crown Sanitary Supply \$79,400
 - 4) Industrial Supplies, Miscellaneous Hardware, Paint,
Lumber and Small Hand Tools - Renewal
Requested by City Wide
Deerfield Builders Supply, Home Depot Company,
Industrial Supplies, Maintenance Warehouse, Sewell
Hardware, Sherwin William Paint Company,
& W.W. Grainger \$275,000
 - 5) Lawnmower/Groundskeeping Parts and Supplies - Renewal
Requested by Fire Rescue Services, Municipal Services,
Recreation Services, & Utility Services
Able South, Inc., Boca Raton Small Engines, Inc.,
Kilpatrick Turf Equipment, Inc., Precision Small Engine
Company, Inc., Tesco South, Inc. d/b/a Hector Turf \$94,350
 - 6) Traffic Signs & Marking Items - Renewal
Requested by Municipal Services
Custom Products Corporation, Municipal Supply &
Sign Company, Rocal Inc., Universal Signs & Accessories,
Vulcan Signs, & 3M Company \$53,000
 - 7) Lighting Repair and Maintenance for Ballfields and
Tennis Courts - Renewal
Requested by Recreation Services
Lectra Living, Inc. \$90,500

8)	Landscape Maintenance Services for Utility Services Requested by Utility Services Complete Property Services	\$70,746
f.	<u>Intergovernmental Agreements – FY 02/03</u>	
1)	Copier/Scanning System - Replacement Requested by Municipal Services Oce-USA, Inc.	\$28,257
2)	Hughes Park Renovations Requested by Recreation Services Recreational Design & Construction, Inc.	\$205,000
g.	<u>Intergovernmental Agreement – FY 03/04</u>	
1)	Laptop Replacement Program Requested by City Manager IBM Direct, Hewlett-Packard Company, Pomeroy of Jacksonville Florida, Insight Public Sector, GovStreet USA, CompUSA, & PC Universe	\$300,000
2)	Computer Disaster Recovery Services Requested by City Manager SunGard Recovery Services, LP	\$63,476
3)	Tire Services Requested by Municipal Services Pride Enterprises	\$77,000
4)	Tires & Tubes Requested by Municipal Services/Fire Rescue Services Boca Tire, Inc.	\$142,000
5)	Undercover Leased Vehicles Requested by Police Services Mears Motor Leasing	\$90,000
6)	Library Books and Audio Visual Material Requested by Recreation Services/ Library Baker & Taylor, Baker & Taylor Entertainment, Follett Corporation, Ebsco Subscription Services, Gale Group, & Pro Quest Information and Learning	\$234,100
7)	Fire Hydrants Requested by Utility Services Ferguson Underground	\$75,000
8)	Carbon Dioxide Requested by Utility Services Airgas Carbonic, Inc.	\$64,020
9)	Disposal of Wastewater Bio-Solids Requested by Utility Services H & H Liquid Sludge Disposal	\$230,000

10)	Laboratory Supplies Requested by Utility Services Fisher Scientific Company	\$40,000
11)	Corrosion & Odor Control Products Requested by Utility Services U.S. Filter/Davis Process	\$401,500
h.	<u>Sole Source – FY 02/03</u>	
1)	Geographic Information System Applications Requested by City Manager The Omega Group	\$75,391
2)	Updating of Video Street Maps Requested by City Manager Geospan Corporation	\$74,750
3)	Traffic Pre-exemption System Requested by Fire Rescue Services 3M Company	\$185,006
4)	Stormwater Vacuum Jet Truck Repairs Requested by Municipal Services GS Equipment Inc.	\$26,204
i.	<u>Sole Source – FY 03/04</u>	
1)	Maintenance for the IBM AS/400 and Related Equipment Requested by City Manager IBM Corporation	\$35,000
2)	Infinium Payroll/Personnel Software Maintenance and Support Requested by City Manager Infinium Software	\$38,055
3)	Fire Apparatus Repair Parts Requested by Fire Rescue Services Sutphen Corporation	\$30,000
4)	Original Equipment Manufacturer (OEM) for GS Recycling Truck Bodies and Crane Carrier Trucks Requested by Municipal Services Container Systems & Equipment	\$50,000
5)	Original Equipment Manufacturer (OEM) Parts and Service for Sterling Trucks (formerly, Ford) Requested by Municipal Services Atlantic Truck Center	\$100,000
6)	Original Equipment Manufacturer (OEM) Parts and Service for Altec and Aspian Equipment Requested by Municipal Services Altec Industries, Inc.	\$30,000

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| 7) | Fuel for Police Boats
Requested by Municipal Services
Cove Marina, Inc & Delray Harbor Club Marina | \$30,000 |
| 8) | Original Equipment Manufacturer (OEM) for
Petersen Parts & Services
Requested by Municipal Services
Petersen Industries Machinery | \$40,000 |
| 9) | Refuse Packer, Original Equipment Manufacturer (OEM)
Parts and Factory Authorized Repairs for Mack Trucks
Requested by Municipal Services - Fleet
Nextran Truck Center | \$125,000 |
| 10) | Original Equipment Manufacturer (OEM) Parts and Service for
Leach Garbage Trucks and Labrie Recycling Trucks
Requested by Municipal Services - Fleet
Clarke Waste Systems | \$80,000 |
| 11) | Security Management System Services
Requested by Municipal Services/Police Services
Johnson Controls, Inc | \$75,480 |
| 12) | Radio Controlled Irrigation Equipment Maintenance
Requested by Recreation Services
Contemporary Controls & Communication, Inc. | \$45,218 |
| 13) | Water Meters & Parts
Requested by Utility Services
Badger Meter, Inc. | \$275,000 |
| 14) | Lift Station Pumps
Requested by Utility Services
Florida Bearings, Inc. | \$100,000 |

j. Emergency – FY 02/03

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|----|--|----------|
| 1) | Variable Frequency Drive Irrigation Pump Station - Replacement
Requested by Recreation Services
Flowtronex PSI | \$43,335 |
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k. Resolution No. 160-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting space for the Police Athletic League; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 161-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting office space; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 162-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 13 with Hazen and Sawyer, P.C. for the purpose of providing engineering services related to design and construction modifications of the existing wastewater treatment solids building; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 163-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the New Pines Foundation, Inc., a Florida not for profit corporation for the purpose of assisting with operating costs of the New Pines Neighborhood Center; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 164-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boca Raton Housing Authority for the purpose of assisting with operating costs of the "CATS" after school and summer camp programs; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 165-2003

A resolution of the City of Boca Raton accepting and approving the final plat known as the 200 East Plat subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 02-05)

q. Resolution No. 166-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Revocable License Agreement with Mark Washam and Patricia Washam 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

r. Resolution No. 167-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Wachovia Bank, N.A., for the purpose of providing banking services; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 168-2003

A resolution of the City of Boca Raton to extend the terms of appointment for the membership of the Downtown Visions Committee; providing for severability; providing for repealer; providing an effective date

t. Resolution No. 169-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Dubberly Associates, Inc. for the purpose of providing Integrated Library System Automation Consulting Services for the Boca Raton Public Library; providing for severability; providing for repealer; providing an effective date

u. Resolution No. 170-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Alcalde & Fay, Ltd., for the purpose of providing Federal Government Affairs Consulting Services; providing for severability; providing for repealer; providing an effective date

v. Resolution No. 171-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Woolpert, LLP for the purpose of providing professional services; providing for severability; providing for repealer; providing an effective date

w. Resolution No. 172-2003

A resolution of the City of Boca Raton updating the pay grade schedule for non-bargaining unit employees for Fiscal Year 2003 – 2004; providing for severability; providing for repealer; providing an effective date

x. Receive and File Board Orders

- 1) CEB Case No. 01-4358
- 2) SM(G) Case No. 02-2809
- 3) SM(G) Case No. 03-00000973
- 4) SM(C) 03-1067
- 5) SM(G) Case No. 03-00001504
- 6) SM(G) Case No. 03-00001441
- 7) SM(G) Case No. 03-00001721
- 8) SM(G) Case No. 03-00001643

y. Receive and File Board Minutes – September 23, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board
July 14, 2003
- 2) Community Appearance Board
August 12, 2003
August 19, 2003
August 26, 2003
- 3) Parks and Recreation Board
August 5, 2003
- 4) Pearl City Blue Ribbon Committee
July 24, 2003
- 5) Physically and mentally Challenged Board
August 14, 2003
- 6) Planning and Zoning Board
August 7, 2003
- 7) Special Master
August 13, 2003

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

4. Resolution No. 156-2003

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to Boca Technology Center, a Development of Regional Impact, and constituting this resolution as an amendment to the original Development Order by the City of Boca Raton in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk then administered the oath to those who indicated they wished to speak on the petition. There were no ex-parte disclosures.

Development Services Senior Planner Lisa Colmenares gave the PowerPoint presentation. She explained that the petitioner, South Florida Regional Transportation Authority (SFRTA), formerly known as Tri-Rail, was requesting a Notice of Proposed Change (NOPC) to a previously approved Development of Regional Impact (DRI) and a determination that the proposed changes would not result in a substantial deviation from the DRI for Boca Technology Center, located at 5000 T-Rex Avenue.

Details regarding surrounding properties, acreage, zoning, and the Comp Plan Future Land Use Element designation were provided. Three modifications were being requested. The first modification would include development of a new Tri-Rail Intermodal Facility and associated transit-oriented convenience retail and off-street parking. Briefly, the City had asked SFRTA to consider constructing a commuter rail station at the Congress Avenue location and acquire land from the Boca Technology Center DRI for this purpose. Ordinance No. 4695, previously approved by Council, provides for this facility.

The petitioner was also proposing an additional access point to Yamato Road (limited to right in/right out) from the new Tri-Rail Intermodal Facility. This proposed driveway was included in the Tri-Rail Master Plan, which was approved by Council, subject to the petitioner seeking a determination that the additional access point did not deviate substantially from the approved DRI. Details were provided related to the findings of the Florida Department of Transportation (FDOT) in regard to this driveway. It was noted that the City's Traffic Engineer supported the proposed driveway, subject to conditions as outlined by Ms. Colmenares.

Attention focused on the third modification regarding the relocation of the existing conservation easement. In order to remain in compliance with the City Code and the Development Order, the applicant proposed to dedicate to the plat additional lands for conservation purposes. Referring to the maps, Ms. Colmenares provided details related to same. She explained that the total square footage of the land to be dedicated would be equal to or greater than the area currently platted for conservation purposes.

It was noted that the Planning and Zoning Board unanimously approved the subject petition with no further recommendations. Consequently, based on the analyses submitted by the applicant and the input submitted by FDOT, the Treasure Coast Regional Planning Council, Palm Beach County, and the City's Traffic Engineer, staff recommended that sufficient information existed to determine that the proposed changes did not result in a substantial deviation to the DRI. Therefore, staff recommended approval of the NOPC.

Planning and Zoning Director Carmen Annunziato referred to Condition No. 78 in the resolution, which relates to speed bumps and speed humps, and stated that its purpose was to ensure that Palm Tran had unobstructed access to the Tri-Rail site. As a result of deliberations between all affected parties, it was decided that Condition No. 78 would be deleted from the resolution. Mr. Annunziato distributed copies of a letter with attachments from the applicant in support of this conclusion.

During the public hearing, Wendy Larsen from Siemon and Larsen and representing the applicant, voiced support of this resolution. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 156-2003.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to amend Resolution No. 156-2003 to delete Condition No. 78 in its entirety and change Condition No. 79 to Condition No. 78. 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. 156-2003, as amended, 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. 4730

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a utility easement, located at 3998 N.W. 5th Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-01)

Development Services Property Specialist/Appraiser Lynn Bodor gave the presentation. She explained that this was a petition of the City Manager regarding a parcel of City-owned land that was acquired in line with the widening of Spanish River Boulevard. An eminent domain suit followed as the City wished to purchase just a portion of the property. In settlement of the suit, the homeowner asked that the entire property be purchased; the City agreed. It was later discovered that the existing swimming pool encroaches into a platted, 10-foot wide north/south utility easement. However, the western portion of the easement is also the site of an 8-inch gravity sewer line. Consequently, this petition requests abandonment of the eastern half, or eastern five feet, of the easement. If approved, the abandonment would clear title issues with regard to the pool.

All franchised utility companies supported the abandonment, as did the Directors of the Municipal and Utility Services Departments. However, Utility Services conditioned their approval upon receiving an additional five feet of easement adjacent to the western edge of the existing easement; this would result in a total easement area of ten feet. Code Enforcement was also contacted; no code issues were found. In conclusion, staff recommended approval of the petition, subject to the condition as stated by Utility Services.

No one came forward to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4730. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

7. Ordinance No. 4731

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of water easements, located on the campus of Pine Crest School at 2700 Saint Andrews Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-04)

Development Services Property Specialist/Appraiser Lynn Bodor gave the presentation. She explained that Pine Crest School is demolishing their original middle school and constructing a new middle school that will offer more amenities. Portions of two water easements, which were deeded in 1979 and 1986, would be located beneath the new building and require abandonment. The easements comprise a total of 0.12 acre.

As the easements were deeded to the City solely for water purposes, no franchised utilities were contacted. However, the Directors of the Municipal and Utility Services Departments were contacted. While they supported the petition, Utility Services conditioned the abandonment upon the relocation of the existing water lines and the granting of new easements over the relocated lines, all at the owner's expense. Code Enforcement was also contacted; no code issues were found. In conclusion, staff recommended approval of the petition, subject to the Utility easement condition as more specifically outlined in the ordinance.

No one came forward to speak at the public hearing.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4731. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

8. Ordinance No. 4734

An ordinance of the City of Boca Raton providing for the voluntary annexation of property generally located south of and including Yamato Road, north of Peppertree of Boca West, west of Woodfield Hunt Club II and east of Boca West 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 all owners of 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 the presentation. He explained that this ordinance provides for the voluntary annexation of the Fox Landing subdivision, which is comprised of 36 residences. Mr. Brown then proceeded to provide information related to location, population, acreage, net density, and assessed value for the subject area.

It was noted that 100% of the homeowners consented to the annexation; the City had received formal, certified petitions from all of the owners. Expected revenues and expenditures were then reviewed. Fox Landing residents would no longer pay fire hydrant rental fees; therefore, the City would incur a \$1,000 expense. In addition, approximately \$3,000 would also be lost, as the utility surcharge on the water and sewer bills would no longer be charged to Fox Landing residents. These losses are negligible, however, since the net revenue to the City would be \$78,700. Mr. Brown then explained that a single-family residence assessed at \$400,000 would save approximately \$197 in taxes per year; this equates to approximately 10% in savings.

The effective date of the annexation is upon adoption of the ordinance. Mr. Brown advised that the City is ready to respond immediately with emergency public safety services and other City services. Sanitation collection would continue to be provided by the private entity currently providing this service, until expiration of this franchise in 2008; meanwhile, the City will rebate back to those residents the cost of collection, which is approximately \$88 per year.

Mr. Brown then provided information related to current land use and zoning designations for the subdivision. He explained that once the City's Comprehensive Plan is amended to include Fox Landing, a low-density residential future land use category and planned unit development zoning would be assumed. Mr. Brown concluded his presentation and answered questions from Council.

During the public hearing, Greg Barr, a resident of Fox Landing, thanked Council for considering the annexation of Fox Landing.

Steven Kerley, the property manager for Fox Landing, thanked the Mayor, Council and the City Manager for the opportunity to become part of the City.

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

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4734. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 4736

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of a non-access easement, being that area identified as the west 125.00 feet of the strip of land identified as the 5 foot non-access easement along Yamato Road as shown and described on the plat of Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-06)

The ordinance was introduced by Council Member Haynie.

11. Ordinance No. 4737

An ordinance of the City of Boca Raton providing for the vacation and abandonment of easements over areas identified as the Bicycle / Pedestrian Easement, Conservation Easement "B", and the Gopher Tortoise Easement, as shown and described on the plat of Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-07)

The ordinance was introduced by Council Member Freudenberg.

12. Ordinance No. 4738

An ordinance of the City of Boca Raton amending Chapter 24, Code of Ordinances, Signs, which amendments include: amending the short title; adding and amending definitions; amending provisions for removal of signs, amending provisions for unlawful signs; clarifying the status of signs made nonconforming pursuant to this ordinance; amending provisions for granting sign variances; amending provisions for exemptions from permitting; amending requirements for a sign permit; amending sign regulations for residential, business, commercial and industrial districts; amending provisions for special signs; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-01-06)

The ordinance was introduced by Council Member Hager.

12.a Ordinance No. 4739

An ordinance of the City of Boca Raton creating Section 28-62, Code of Ordinances, relating to variances; providing for variances for building heights of single-family residences not exceeding five (5) percent of the maximum building height; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

13. Resolution No. 157-2003

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

14. Resolution No. 158-2003

A resolution of the City of Boca Raton revising the Boca Raton Water and Sewer Fee Schedule; providing for severability; providing for repealer; providing an effective date

Financial Services Director Mervyn Timberlake gave a PowerPoint presentation on the above resolutions, stating that revisions suggested at yesterday's workshop meeting would be included in this presentation. He then explained why user fees are assessed and who pays them. It was noted that this year all General Fund fees include a 2% factor to cover the cost of Internet-based services for Development Services and Police Services for the acceptance of credit and debit cards.

Proposed fee increases and new fees, where applicable, were reviewed for each department within the City. Focus was given to the proposed fees for Recreation Services; Mr. Timberlake stated that all fees therein include sales tax. The fee for City residents to purchase annual permits for beach parking would be increased from \$28 to \$31; residents living in the Greater Boca Raton Beach and Park District would also pay the same fee of \$31. Responding to Council, the City Manager stated that, while last year's rate of \$28 did not include tax, this year's rate of \$31 included tax and the 2% cost for the use of credit cards. Mr. Timberlake advised that, as of October 1, 2003, credit cards would be accepted in all City facilities.

Attention then turned to fees for Library Services. Mr. Timberlake, Mr. Ahnell, Recreation Services Director Mickey Gomez and Library Services Manager Catherine O'Connell responded to questions from Council. Mr. Timberlake concluded his presentation shortly thereafter and answered questions from Council, as did Mr. Ahnell.

During the public hearing, Burton Sterm, a County resident, tendered questions related to library and water user fees charged to people living outside the City. Mr. Ahnell explained the reason for the difference in costs between City residents versus County residents. Seeing no one else come forward, the public hearing was closed.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 157-2003, as revised to include those revisions dated 9/22/03 and distributed yesterday during the workshop as well as those dated 9/23/2003 and distributed today. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 158-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIENS:

15. Request for Reduction in Code Enforcement Liens
900 North Federal Highway – Highway Associates
(Trammell Crow – Managing Agent)
Special Master Case #01-5268

Mayor Abrams opened the public hearing for Special Master Case #01-5268. No one came forward to speak.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to continue the above matter to the next regularly-scheduled Council meeting of October 15, 2003. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

City-owned Property

The City Manager reported that an inquiry had been made as to whether the City was interested in selling the parcel located at Glades Road and NW 2nd Avenue. Mr. Ahnell mentioned that Council Members had previously indicated that their only interest in the land was related to a better location for the library; he then confirmed with Council that their position on this matter had not changed.

Occupational License Fee

The City Manager reported that, consistent with the discussion yesterday at the workshop meeting, the City would maintain the status quo at this time; additional details were provided in regard to same. It was suggested that City staff work with Representative Adam Hasner and the City's lobbyists to ultimately petition the State Legislature to provide cities with more flexibility as to how occupational license fees are imposed.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

16. Designation of Voting Delegate and Alternate Voting Delegate
Annual Congress of Cities, December 2003, Nashville, Tennessee

Motion was made by Mayor Abrams, seconded by Council Member Haynie to designate Council Member Freudenberg as the Voting Delegate for the abovementioned conference. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Council Member Haynie stated that she would bring forward the City's initiative regarding occupational licenses at the general membership meeting of the League of Cities in Palm Beach Gardens, scheduled for tomorrow at 10:00 a.m. She then confirmed with the City Attorney that an Executive Session is scheduled for tomorrow at 5:00 p.m.

Deputy Mayor Whelchel requested an update related to the proposed turn lane at 2nd Avenue and Spanish River Boulevard a/k/a 40th Street. Mr. Ahnell stated that the engineering staff was currently working on the design; the project, itself, is making its way through the process.

Mayor Abrams spoke to the issue of signage in rights-of-way as it relates to the weekly "lawn sales" sponsored by the Children's Museum; the Museum had asked to put out signs directing people to their sale. He noted that consideration of a sign code ordinance would be forthcoming and that Council's position, generally, was to prohibit signage in rights-of-way. The Mayor explained that, while he might

lean toward allowing this non-profit organization to set out signs, he was aware of the policy issues and legal ramifications, which could result from this action. The City Attorney clarified that the City cannot make distinctions based on content to determine what signs can or cannot be placed in rights-of-way. Much discussion followed. In conclusion, the City Attorney suggested that, since the City Manager has the authority to grant permits for this type of signage, he could consider those applications received between today and when the sign code ordinance comes forward for consideration by Council. Also, between today and the public hearing on the sign code ordinance, the City Attorney would research the concept of instituting a time limitation, whereby the medians would be open to all non-commercial signage for limited amounts of time.

Mayor Abrams requested an update on the matter of the recent rabies outbreak. Assistant City Manager George Brown stated that last year in Palm Beach County (PBC), there were 27 confirmed rabies cases; already this year, 28 rabies cases have been confirmed. "Hot spots" are located in North County, Central County and Boca Raton. One hot spot in Boca is in the general vicinity of City Hall; three rabid foxes were found in the area. Consequently, County Animal Care and Control will be assisting the PBC Health Department to institute a trapping program. In addition, the City and the County will work together to provide public information and to oversee the traps to ensure that no one is tampering with them. If a rabid animal is found, County Animal Care and Control will go door-to-door in the immediate vicinity to provide information regarding same. The City will utilize Channel 20 for information purposes as well. If traps need to be set on private property, the City will work with County. Responding to Council, Mr. Brown explained that the traps would be checked each day. He then confirmed with Mayor Abrams that the County met with the City's Recreation Services Department and provided information related to an educational program for parks workers.

Mayor Abrams reported on the Beach and Park District meeting, which he attended yesterday, saying that they have agreed to continue participation in the beach renourishment project, up to \$1 million.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by 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 7:30 p.m. on Tuesday, September 23, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk