

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JANUARY 14, 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 Freudenberg gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Haynie
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Carol Hanson (arrived at approximately 6:21 p.m.)

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 Hager, seconded by Deputy Mayor Haynie, to amend the agenda to add a presentation by Commissioner Mary McCarty under, "Proclamations/Presentations;" to add recognition by Mayor Abrams of resident, Bill Shopmann, under, "Proclamations/Presentations;" to add Resolution No. 25-2003 for consideration immediately after the Consent Agenda; and to add Resolution No. 24-2003 under, "Regular Business – Part VII – Resolutions and Other Business." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.

PROCLAMATIONS/PRESENTATIONS:

Commissioner Mary McCarty

Ms. McCarty proposed that the City and County partner to provide median beautification on a section of Yamato Road, west of Jog Road. The City would design, install, and maintain the median in accordance with Boca Raton standards, with Ms. McCarty providing \$500,000 from her discretionary road fund.

Certificate of Appreciation

Mr. Bill Shopmann was not available to receive a Certificate of Appreciation from the City in recognition of his actions in rendering assistance to his neighbors.

MINUTES:

Minutes of the Regular Workshop Meeting of December 9, 2002
Minutes of the Regular Meeting of December 10, 2002

Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions for consideration.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.o. – Resolution No. 18-2003 / Grant application for a fire rescue boat) A memo was provided. Mr. Ahnell explained that the number of waterway responses for Boca Raton Fire Rescue Services for Year 2001 was 33. However, the actual need for assistance may have been higher since some calls were diverted to the Police Services Department, due to the current inability of Fire-Rescue to provide assistance at all times. A picture of the new Fire-Rescue boat was also provided.

3. Consent Agenda:

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to approve the Consent Agenda, as revised. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.

a. Sealed Bids

- 1) Spanish Village Commercial Area Improvements Project, Phase 1
Requested by Utility Services
Ocean Bay Construction, Inc. \$1,805,829

- 2) Automotive, Light and Heavy Duty Truck Parts
Requested by Municipal Services
Primary awards to: Boca Raton Auto Parts, Total Truck Parts,
Secondary Awards to: American Battery,
Cold Air Distributors, Florida Brake and Trucks Parts,
General GMC, L & L Distributors, NAPA Auto Parts,
S & H Distributors Inc., Southern Automotive Products
and Vehicle Maintenance Program Inc. \$334,000

b. Resolution No. 5-2003

A resolution of the City of Boca Raton announcing the regular election to be held in and for the City of Boca Raton on the 11th day of March, 2003; providing for publication; providing for severability; providing for repealer; providing an effective date

c. Resolution No. 6-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 2 to the Interlocal Agreement between the Cities of Boca Raton, Delray Beach, Boynton Beach, and Palm Beach County for the purpose of allowing access to the communications systems owned by Palm Beach County, including the Motorola SmartZone Controller; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 7-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from MMS Holdings, L.L.C., over certain lands located at 1801 South Federal Highway; providing for severability; providing for repealer; providing an effective date

- e. Resolution No. 8-2003
A resolution of the City of Boca Raton approving and accepting an Easement Deed from Gold Coast Properties, a Florida LLC, a Florida Limited Liability Company, over certain lands located at 3301 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date
- f. Resolution No. 9-2003
A resolution of the City of Boca Raton approving and accepting an Easement Deed from Cabesa Holding Corporation, over certain lands located at 3335 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 10-2003
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the Florida Philharmonic Orchestra for the purpose of providing performances which are free to the public; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 11-2003
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the Boca Tierra Homeowners Association, Inc., ("Association") for the purpose of repairing sidewalks at the expense of the Association; providing for severability; providing for repealer; providing an effective date
- i. Resolution No. 12-2003
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Carriage Homes at Woodfield Hunt Club Homeowners Association, Inc. and Woodfield Hunt Club Homeowners Association, Inc. for the purpose of providing for the maintenance of the painting of traffic signal mast arm poles on the south and north sides of Powerline (Jog) Road and N.W. 44 Street; providing for severability; providing for repealer; providing an effective date
- j. Resolution No. 13-2003
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with Coastal Planning and Engineering, Inc. for professional engineering services for the Central Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date
- k. Resolution No. 14-2003
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Coastal Planning and Engineering, Inc. for professional engineering services for the South Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date
- l. Resolution No. 15-2003
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 10 with Coastal Planning and Engineering, Inc. for professional engineering services for the North Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 16-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 11 with Coastal Planning and Engineering, Inc. for professional engineering and surveying services for the South Beach Renourishment Project, and the Boca Raton Inlet and adjacent beaches Beach Monitoring Program; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 17-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Community Affairs, Division of Emergency Management, for the development of a municipal comprehensive emergency management plan; 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

o. Resolution No. 18-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health for the purchase of a fire rescue boat; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 19-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement for professional services with Tectonic Engineering and Surveying Consultants, P.C. for the purpose of developing a Vulnerability Assessment and an Emergency Operations Plan for the City of Boca Raton's water system; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 20-2003 (as revised)

A resolution of the City of Boca Raton approving a Park Master Plan for the approximately 300 acres of land acquired by the City which was formerly part of the Boca Technology Center; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 21-2003

A resolution of the City of Boca Raton amending the name of a street in Briarcliff at Woodfield; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 22-2003

A resolution of the City of Boca Raton amending the name of a street in Somerset at Woodfield; providing for severability; providing for repealer; providing an effective date

t. Resignations

- 1) Resignation of Matthew S. Nelles from the Education Advisory Board
- 2) Resignation of Grace Pertile from the Boca Raton Advisory Board for the Physically and Mentally Challenged

- 3) Resignation of Mark Traveis from the Citizens' Pedestrian and Bikeway Advisory Board

u. Receive and File Board Minutes – January 14, 2003

- 1) Citizens' Pedestrian and Bikeway Advisory Board
November 18, 2002
- 2) Community Appearance Board
November 12, 2002
November 19, 2002
November 26, 2002
- 3) Community Relations Board
October 21, 2002
- 4) Education Advisory Board
November 25, 2002
- 5) Financial Advisory Board
September 30, 2002
- 6) General Employees' Pension Board
November 6, 2002
November 26, 2002
- 7) General Employees' and Police and Firefighters' Pension Board
November 13, 2002
- 8) Historic Preservation Board
October 15, 2002
- 9) Library Advisory Board
November 20, 2002
- 10) Parks and Recreation
November 12, 2002
- 11) Physically and Mentally Challenged Board
November 7, 2002
- 12) Planned Unit Development Subcommittee
August 22, 2002
- 13) Police & Firefighters' Pension Board
October 16, 2002
November 20, 2002
- 14) Special Master
November 13, 2002
- 15) Telecommunications Advisory Board
November 4, 2002

3.v. Resolution No. 25-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a grant contract with the Florida Communities Trust and Palm Beach County for the purpose of imposing terms and conditions on lands acquired with FCT Florida Forever Bond proceeds; providing for severability; providing for repealer; providing an effective date

The City Attorney gave a brief presentation, explaining that this grant application was related to the sale of environmentally sensitive City land, located on the Boca Technology property, to Palm Beach County. Ms. Frieser explained that when the agreement was entered into, the intent was to create a long-term management plan for this land. Consequently, joint application for funding was made by the City and the County, which is the lead agency to the Florida Communities Trust (FCT); tentative approval for a \$5.5 million grant has been obtained. Approval of this agenda item would provide for completion of the paperwork, which would then be transmitted to the FCT, at which time the funding should be made available. Ms. Frieser then directed attention to a letter from Rich Walesky, Director of the Department of Environmental Research & Management for the County, which confirmed that, should any monetary reimbursement to the FCT be required, the County would be responsible; an agreement relating to same was expected to come before Council in the next few months.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Resolution No. 25-2003. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.

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

4. Resolution No. 2-2003

A resolution of the City of Boca Raton granting conditional use approval for a clubhouse for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5801 NW 2nd Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-02-06)

5. Resolution No. 3-2003

A resolution of the City of Boca Raton granting master plan approval for a golf course for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5800 NW 2nd Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (SC-02-17)

6. Resolution No. 4-2003

A resolution of the City of Boca Raton granting conditional use approval for a golf course for Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club) located at 5800 NW 2nd Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-02-07)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petitions.

Development Services Senior Planner Alejandro Zurita gave a joint PowerPoint presentation on the above resolutions. The first petition, Resolution No. 2-2003, related to conditional use and site plan approval for the new clubhouse. Resolution No. 3-2003 related to the golf course master plan and Resolution No. 4-2003 related to conditional use and site plan approval for the renovation of the golf course. The property location, acreage, and zoning information were outlined in detail. It was noted that the golf-course land was restricted, by covenant, to that use only and cannot be changed. It was also noted that Ocean Breeze Golf and Country Club, Inc., formerly Boca Teeca Country Club, owns all of the subject property. Construction of the new clubhouse, the subject of one petition, and renovation of the

existing golf course, the subject of a separate petition, constitute one privately-owned recreational facility, which is not necessarily owned by the Boca Teeca community. Club membership categories and restrictions were detailed.

The existing clubhouse would be demolished and a larger facility (26,362 square feet) would be constructed. An existing 9,000 square foot cart-storage building and adjacent cart-staging area, north of the clubhouse, are proposed to remain. Access, ingress and egress were outlined; driveways, sidewalks, and parking were addressed. Parking for the clubhouse, the golf course, and the tennis courts, would be provided in two locations, north and south of Jeffrey Street. While 203 spaces are required by code, 209 spaces would be provided. Building height, conceptual front and rear elevations were presented.

The golf course renovation would be completed in three phases. Phase I, generally located east of I-95 and south of Jeffrey Street, is approximately 57.9 acres and corresponds to the South Course 9 holes. Phase II, to the north, is approximately 79.4 acres and identified as the North Course 9 holes on the master plan. Phase III is located to the east, adjacent to the FEC Railroad tracks, and identified as the Ease Course 9 holes.

The Planning and Zoning (P&Z) Board reviewed the three related petitions on November 7, 2002. The two petitions regarding the golf course were recommended for approval, as submitted. The petition regarding the clubhouse was recommended for approval with two additional conditions, which related to driveway design and relocation of a pedestrian crosswalk. Mr. Zurita explained that Condition 9 provided for a site plan revision to redesign the south driveway, located on NW 2nd Avenue, to a right-in/right-out driveway. He then explained that staff had reservations about implementation of the proposed Condition 10, as recommended by the P&Z Board, which provided for a pedestrian crossing at the intersection of Jeffrey Street and NW 2nd Avenue. Staff suggested a new Condition 10 (for Resolution No. 2-2003) in place of the Condition 10 recommended by the P&Z Board, which would provide for a mid-block pedestrian crossing with appropriate signage; this would allow for the shortest pedestrian path between adjacent parking areas. In summary, Mr. Zurita explained that no new vehicle traffic is expected as a result of the Ocean Breeze Golf and Country Club renovation; enhanced and expanded club amenities are for the same number of members; and no technical deviations are requested. Staff recommended approval of the proposed petitions with the two conditions as listed and answered questions from Council.

Paul Slattery, the architect for the clubhouse, and Dick Sheremeta, the attorney representing the petitioner, spoke in support of the petitions and responded to Council, as requested. Mr. Sheremeta confirmed that tying into IRIS water in the future is not an issue. He also agreed to confirm that the Environmental Protection Agency does not need to be notified of the golf course renovations, the concern being that the golf course is located within the Palm Beach County Wellfield Zone.

Shirley Schneur, President of the Boca Teeca Unit Owners' Association, stated that to the best of her knowledge, residents are pleased with the proposed renovation.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 2-2003.

Motion was made by Council Member Hager, seconded by Council Member Hanson, to amend Resolution No. 2-2003 to include staff's Condition 10. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

The vote on the main motion to adopt Resolution No. 2-2003, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to adopt Resolution No. 3-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to adopt Resolution No. 4-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

7. Ordinance No. 4684

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$17,500,000 general obligation bonds, in one or more series, of the City of Boca Raton, Florida; authorizing the use of the proceeds therefrom for the purposes described in Resolution No. 115-2002; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date

(a) Resolution No. 1-2003

A resolution relating to the issuance of General Obligation Bonds, Series 2003 (Fire Station Projects), of the City of Boca Raton, Florida in the aggregate principal amount of not exceeding \$17,500,000 authorized under Ordinance No. 4684 for the purposes of financing the renovation and improvement and/or replacement of five (5) existing fire stations and related administration building and support facility; providing for the terms and payment for said Bonds; incorporating by reference the terms and provisions of Ordinance No. 4684; establishing the maturity schedule in connection therewith; authorizing the City Manager or the Director of Financial Services of the City to publish a summary notice of sale and to receive bids pursuant to a competitive sale of said Bonds and award the sale of said Bonds to the responsive bidder offering the lowest true interest cost to the City which shall not exceed six percent; approving the execution and delivery of said Bonds and appointing a Bond Registrar and Paying Agent; approving and ratifying the preparation and use of an Official Notice of Bond Sale and Bid Form, a Preliminary Official Statement and Final Official Statement; providing for the rights, remedies and security of the holders of said Bonds; providing for certain other matters in connection therewith; authorizing the proper officers to do all things necessary and advisable; and providing for an effective date

Financial Services Director Mervyn Timberlake gave the PowerPoint presentation, stating that the ordinance would authorize the sale of general obligation bonds; the resolution would establish the procedure for doing so. He noted the revision to the ordinance was made to change a page reference in the Table of Contents and to correct, on Page 2, Line 4, 'Series 2000' to read 'Series 2003.'

Mr. Timberlake explained that in the November 5, 2002 election, voters approved the bond referendum for fire station construction by almost 72%. The bonds would be used to construct and equip two new fire stations and related administration building and support facilities. In addition, five existing fire stations would be renovated. Regarding property taxes, the City's voters agreed to pay an additional tax millage of 0.13 over the 20-year life of the bond issue. This would translate to approximately \$23 annually for a homesteaded residence assessed at \$200,000. The projected total debt service is expected to be \$25,291,500; the principal is \$17.5 million and the interest over 20 years is estimated at approximately \$7.7 million. Mr. Timberlake then explained that the ordinance would authorize issuance of the bonds, provides for 20-year GO bonds, and provides for payment from property taxes. Resolution No. 1-2003 establishes how the bonds would be sold and awarded, authorizes the City Manager and Financial Services Director to accept Competitive Bids if the interest rate is below 6%, and approves the Official Statement and allows for Internet bidding. He concluded his presentation and answered questions from Council.

No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Council Member Hanson, to adopt Ordinance No. 4684, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to adopt Resolution No. 1-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

REGULAR BUSINESS – PART IV – PUBLIC HEARINGS/SETTLEMENTS:

8. Settlement of Workers' Compensation Claim
Candice DeVol

Risk Manager Pam Gardner presented the recommendation for settlement and provided additional information to Council, as requested. No one wished to speak at the public hearing.

Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to accept the City Manager's recommendation for settlement. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

9. Settlement of Liability Case – GL00-0053-MS
Patricia Sanderson

Risk Manager Pam Gardner presented the recommendation for settlement and provided additional information to Council, as requested. No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Council Member Hanson, to accept the City Manager's recommendation for settlement and to direct the City Attorney to pursue all legal remedies to obtain restitution from Murray Logan Construction Company. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

- 9.a. Settlement of Liability Cases – CL 00-777 "AE"; CA-01-06039 "AN"
Boca Airport, Inc. d/b/a Boca Aviation
Premier Aviation LLC

Resolution No. 23-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a settlement agreement and a use agreement with Premier Aviation of Boca Raton, LLC (also referenced as Premier Aviation, LLC) for the purpose of settling and dismissing all causes of action by Premier in two civil actions: Boca Airport, Inc. d/b/a Boca Aviation v. Boca Raton Airport Authority and Premier Aviation, LLC v. The City of Boca Raton, Case No. CL 00-777 AE, and Premier Aviation, LLC v. The City of Boca Raton, Case No. CA 01-06039 AN; providing for severability; providing for repealer; providing an effective date

The City Attorney gave an overview of the proposed settlement. One of the items at issue was the dispute over the ability to develop on airport land, leased by the Airport Authority to a third party, pursuant to an RFP. Ms. Frieser stated that the "aviation-use land" would continue to be used for aviation and for any use, which the Federal Aviation Administration (FAA), the Airport Authority, and the Florida Department of Transportation (FDOT) would permit to occur there, subject to the permitting requirements of the City; the original Memorandum of Agreement between the City and the Airport Authority would be the controlling instrument. Development of the "other-use area" would require review and approval by Council, subject to application and subject to the conditional use criteria. The Use Agreement, if

approved and executed by all parties, would be recorded and apply to Premier and any successors to Premier's lease.

Ms. Frieser then reviewed two minor revisions to the Settlement Agreement, which were made for consistency purposes; language in Paragraphs 2 and 4 was revised to provide that no permits would be issued until building code requirements are satisfied. In the Use Agreement, a revision was made in Paragraph 2, which essentially recapped the treatment of aviation-use land; Paragraph 5 was revised for consistency purposes, and Paragraph 8 was revised relating to surface parking areas. In conclusion, mutual releases would be signed by the parties, and a Stipulation for Dismissal would be issued in the Premier case (No. CA 01-06039 AN). The City Attorney stated that in order to consummate this settlement, Council would need to approve the resolution and execute the appropriate paperwork, which was currently in her possession. Ms. Frieser then answered questions from Council.

Peter McCallister, President of PBM Development, stated that he was available for questions.

Shirley Schneur, President of the Boca Teeca Unit Owners Association, spoke in support of the settlement and voiced that a second FBO (Fixed Base Operator) was not beneficial to City residents. In particular, Boca Teeca residents would be impacted by airport operations and their needs should be considered. However, she did support the settlement.

Due to environmental concerns, Ms. Hanson suggested adding language that would assure review of fuel farms by the Environmental Protection Agencies and other applicable environmental regulatory government agencies.

Gerald Richmond, the attorney for Boca Aviation, stated that his client was opposed to the proposed amendment.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 23-2003, as revised. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 4686

An ordinance of the City of Boca Raton creating Section 28-1305, Code of Ordinances, to provide that in all zoning districts certain parks and park facilities and City water, sewer, reclaimed water, and stormwater facilities and appurtenances shall be permitted uses, to provide that in all nonresidential zoning districts any buildings, facilities and uses owned, operated, utilized or conducted by the City (inclusive of police and fire stations) shall be a permitted use, and to provide that in all residential zoning districts City police and fire stations (and related facilities) shall be a conditional use; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-02-12/02-92500013)

Deputy Mayor Haynie introduced the ordinance.

11. Ordinance No. 4687

An ordinance of the City of Boca Raton relating to the General Employees' Pension Board; amending Subsection 12-87(13), Code of Ordinances, to create an exemption to the review and reconsideration procedure for one-time only purchases and distributions not exceeding five hundred (\$500) dollars; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hanson introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Emil Danciu asked the Council to rescind the approvals for the Boca Beach Club expansion, specifically, Resolution Nos. 196-2002, 197-2002, and 198-2002, or approve a referendum on the matter. He also maintained that he never received notification from the City, stating that the City would not process his proposed petition to repeal the aforementioned resolutions. He then spoke to the issue of annexation, stating that City residents should be allowed to vote on this matter.

Bill Fenner asked for Council's support in continuing the annual Holiday Boat Parade.

JoAnn Landon thanked Council for the Tree City USA banners recently displayed throughout the City. She then commented on the quality of the tree pruning by Asplundt, a company contracted by Florida Power & Light (FPL) to ensure that power lines are not entangled in foliage, and questioned whether FPL would be required to remove and replant the large trees that have been over-pruned.

Peter Serena stated that he was having a problem with a neighbor, who objected to a shed that Mr. Serena had built on his own property. The City Manager acknowledged that he is in receipt of a letter from Mr. Serena and is looking into the matter.

Sally Stewart stated that she would be moving away from Boca Raton shortly and then provided comments regarding the growth and the direction of the City over the years she has been a resident.

Steve Reiss provided a PowerPoint presentation in response to proposed changes to the Marine Structures Code as they relate to the "Lake Wyman Canal."

John Van Blois commented on the "blanket moratorium" within the Golden Harbour subdivision, relating to permitting, and stated that people are being affected who have nothing to do with the 14th Street canal. He then stated that Municipal Services Director Robert DiChristopher had invited the public to a meeting this week to discuss trimming of the foliage along the canal. Mr. Van Blois concluded his comments by saying that he would be attending the Marine Advisory Board meeting when they review this issue.

Gene Scanlon stated that the 14th Street canal should be kept available and open to the public; he then cautioned Council to consider everything when making any determinations regarding the canal.

Steve Nichol referenced the recent boil water order, and suggested that a "phone tree system," and road signs might be helpful in alerting the public more quickly and effectively in emergency situations.

William Kalen thanked Council Members for their support in regard to the proposed dredging and pruning of foliage along the 14th Street canal in Golden Harbour.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

12. Selection of Canvassing Board Member

Mr. Ahnell explained that Council is being asked to select the third member of the Canvassing Board from its members who are not running or actively participating in the March 2003 election. It was then clarified what constitutes active participation. The City Attorney also provided information relating to the responsibilities of the Canvassing Board. It was noted that Council Member Hager and Deputy Mayor Haynie would be the only eligible members, as they are not candidates in the upcoming election.

Motion was made by Council Member Hager, seconded by Council Member Hanson, to appoint Deputy Mayor Haynie to the Canvassing Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

12.b. Resolution No. 24-2003

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Palmetto Place Development LLC, over certain lands located at 99 S.E. Mizner Boulevard; providing for severability; providing for repealer; providing an effective date

The City Manager stated that this was a standard easement deed for the Palmetto Place project and answered questions from Council. Council Member Freudenberg stated that he requested it be added to the agenda because the project could not be issued a Certificate of Occupancy until the sidewalk easement was modified.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 24-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

PUBLIC HEARINGS - APPEAL OF BOARD DECISIONS:

13. Community Appearance Board – Permit No. 02-74430
Verizon Wireless
777 Yamato Road

The City Attorney reviewed the quasi-judicial procedures that would govern both public hearings. The City Clerk administered the oath to those who indicated they wished to speak on the matter.

Development Services Director Jorge Camejo gave the PowerPoint presentation and provided specifics related to the proposed sign. He stated that the Community Appearance Board's (CAB) denied the application on the basis that the appearance of the sign could be improved and that other locations on the building would be more appropriate for the sign. Mr. Camejo concluded his presentation and answered questions from the Council.

A. Grant Thornbrough, Chairman of the CAB, explained that the Board has consistently denied signs mounted on glass; although some glass-mounted signs may be found in the City, that is the result of appeals granted by the Council. He explained that, architecturally, glass walls are not designed for signs. Mr. Thornbrough provided additional information in support of the Board's decision and answered questions from Council.

Dennis Koehler, the attorney representing Verizon Wireless, argued that the CAB failed to apply the standards of the City's sign code, which was created in compliance with the Code and said Code does not prohibit glass-mounted signs.

Annette Southern, a representative of Atlas Sign Company, gave a PowerPoint presentation in support of the proposed sign.

Mr. Thornbrough rebutted comments made by Mr. Koehler, and Mr. Koehler provided closing comments.

Motion was made by Council Member Hager, seconded by Mayor Abrams, to grant the appeal.

Motion was made by Council Member Hanson, seconded by Council Member Freudenberg, to delete the word, "Wireless." Motion carried 3-2; Deputy Mayor Haynie, Council Members Freudenberg and Hanson voted yes. Mayor Abrams and Council Member Hager voted no.

The vote on the main motion to grant the appeal, with the modification, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

14. Community Appearance Board – Permit No. 028017
GMC Properties
1377 Clint Moore Road

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

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, stating that the applicant wished to replace five air conditioning units on the roof of a commercial/industrial building. The areas visible to the public were outlined; the west elevation showed the top of one of the A/C units.

The Community Appearance Board (CAB) denied approval on a 5-2 vote. The decision was based on the applicant's unwillingness to screen the A/C units from public view. The policy of the Board is that all mechanical equipment be screened "dead level" out of public view from the street. Mr. Annunziato stated that, should Council decide to grant the appeal, one suggested recommendation is that the A/C units should be painted to match the building elevation.

A. Grant Thornbrough, Chairman of the CAB, explained the reasoning behind the Board's decision and answered questions from Council.

Eric Anderson, the architect and applicant, explained that the roof is only 2 or 3 years old; in order to screen each unit, the roof would have to be torn up. There are a total of 30 units on the roof, all of which would eventually need to be replaced.

No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to deny the appeal and uphold the decision of the CAB. Motion carried 4-1; Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes. Mayor Abrams voted no.

PUBLIC HEARING - APPEAL OF CITY MANAGER DECISION:

15. Driver Permit Denial – Darren Jay McMorrow

The Planning and Records Manager for Police Services, Michelle Quigley, explained that Mr. McMorrow's application for a taxi driver permit was denied, in accordance with City Code, due to felony convictions. Mr. McMorrow submitted a written request to appeal the denial, but was not in attendance at this public hearing.

No one wished to speak at the public hearing.

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

CITY MANAGER RECOMMENDATIONS AND REPORTS:

16. Marine Structures – Canal Width Policy

Mr. Ahnell referred to comments made at yesterday's workshop regarding this matter and asked for a motion from Council to move forward on the suggested actions.

Motion was made by Council Member Hager, seconded by Mayor Abrams, directing the City Manager to: 1) refer the canal-width issue back to the Marine Advisory Board for Citywide analysis, 2) refer the issue of the NE 14th Street canal (in the Golden Harbour subdivision) to the Marine Advisory Board for additional research, during which time the zoning-in-progress restriction would remain in place, and 3) remove the zoning-in-progress restriction from the

remainder of the Golden Harbour subdivision. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

Reserve Officers Program

Mr. Ahnell referenced his memo to Council, dated January 3, 2003, regarding the Police Department Reserve Officer program. He explained that reserve officers are certified, unpaid police officers, who volunteer their services. They must go through all requirements to become a certified officer, or they must possess certification to be a law enforcement agent in the State of Florida. The Florida Highway Patrol, Metro-Dade, Hollywood, and the Palm Beach County Sheriff's office all utilize the services of Reserve Officers. These officers augment existing police staff to provide additional support and increased officer visibility.

Police Chief Andrew Scott provided additional details and answered questions from Council as requested, relating to controls, processing costs, liability impacts, age restrictions, and whether or not these officers would be armed.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, directing the City Manager to proceed with the Police Services' Reserve Officers Program. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

Library

In response to questions raised at the December meeting, Mr. Ahnell stated that packets containing information on the library bond referendum would be forthcoming.

Florida Municipal Investment Trust

Mr. Ahnell explained that the City received a letter from the above entity, which is one of the investment pools that the City is involved in, requesting nominations for its Board of Trustees. To qualify, one must be an elected official of one of the members of the pool. Nominations are due by February 18, 2003.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to nominate Council Member Freudenberg for the Florida Municipal Investment Trust Board of Trustees. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hanson and Hager voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

17. Sister-City Relationship with Spandau, Germany – Mayor Abrams

Since Mayor Abrams addressed the above issue at yesterday's workshop, no additional report or comment was forthcoming.

Signs on Glass Buildings

Council Member Hanson referenced the appeal by Verizon Wireless and suggested that the issue of mounting signs on glass should be addressed. Mayor Abrams stated that, currently, the Code allows this practice.

Cutoff of Water Service

Council Member Hanson questioned the policy regarding water service cut-off on delinquent accounts. Mr. Ahnell stated that the policy would be reviewed but the matter is usually looked at on case-by-case basis.

Council Meetings via the Internet

Deputy Mayor Haynie requested an update on the effort to broadcast City Council meetings over the Internet.

North Federal Highway Focus Group

Ms. Haynie advised that the North Federal Highway Focus Group would be meeting next Wednesday, January 22, 2003, in the Council Chamber, at 6:00 p.m., to continue discussion regarding the North Federal Highway Corridor.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 10:05 p.m. on Tuesday, January 14, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk