

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, APRIL 13, 2004  
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 Bill Hager  
Council Member Dave Freudenberg  
Council Member Susan Haynie

Council Member Susan Whelchel was absent (excused).

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 Council Member Haynie, to amend the agenda to add Resolution No. 63-2004 to the Consent Agenda and revised "Initial Assessment Resolution No. 02-I/C (Consent Agenda Item No. 3.i.). Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

**PROCLAMATIONS/PRESENTATIONS:**

Utility Services Poster Contest Winners

A brief PowerPoint presentation was given, showing the winning artwork created by second- and third-graders. Prizes were awarded to Carly Demarest, Sarah Freglette, and Andrew Atterbury, as the First, Second, and Third Place Winners, respectively.

Boca Sharks Baseball Team

The Boca Sharks little league team received a proclamation congratulating them on winning the United States Specialty Sports Association (USSSA) Tournament in Lantana, Florida, which entitled them to represent Boca Raton at the USSSA World Series.

Kiwanis Week – April 1 through April 8, 2004

Bob Babione, Henry John, and Tom Thayer accepted the proclamation on behalf of the Kiwanis Club of Boca Raton.

**AWARD/RECOGNITIONS**

Distinguished Budget Presentation Award  
Certificate of Achievement for Excellence in Financial Reporting

Representing the Government Financial Officers Association, Linda Davidson, OMB Director, presented the Distinguished Budget Presentation Award to Mayor Abrams; the Certificate of Achievement for Excellence in Financial Reporting was presented to Financial Services Director Mervyn Timberlake and Financial Services Deputy Director Celeste Lucia.

### **MINUTES:**

Minutes of the Regular Workshop Meeting of March 22, 2004  
Minutes of the Regular Meeting of March 23, 2004  
Minutes of the Organizational Meeting of March 31, 2004

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

### **REGULAR BUSINESS - PART I:**

#### 1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged - three (3) vacancies due to term expirations of Deborah Campbell, Peter. L. Schnell, and Maryellen Burton Jones, whose terms expire 04/23/04

*Motion was made by Deputy Mayor Hager, seconded by Council Member Freudenberg to reappoint Peter L. Schnell and Maryellen Burton Jones and to appoint Charles Pipes. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

Mr. Schnell and Ms. Burton Jones were reappointed; Mr. Pipes was appointed.

- b. Environmental Advisory Board – three (3) vacancies due to term expirations of Elisabeth Hoffman, Andrew M. Gross, and Maggie Barszewski, whose terms expire 04/30/04

Scott Zednek interviewed for a position on the Board.

Mayor Abrams referred to a letter from Andrew Gross and explained that Mr. Gross was interested in retaining his position; however, he was unable to interview since he was currently out of town.

Seeing no one else come forward, nominations were opened. Deputy Mayor Hager nominated Elisabeth Hoffman, Andrew M. Gross, and Maggie Barszewski; Council Member Haynie nominated Scott Zednek. Nominations were then closed without objection.

*In the voting: Mayor Abrams, Deputy Mayor Hager, and Council Member Freudenberg voted for Ms. Barszewski, Mr. Gross, and Ms. Hoffman. Council Member Haynie voted for Ms. Barszewski, Ms. Hoffman, and Mr. Zednek.*

Ms. Barszewski, Mr. Gross, and Ms. Hoffman were reappointed.

#### 2. Responses to Workshop Information Requests:

(Regular Agenda Item Nos. 14 {Ordinance No. 4777} and 15 {Ordinance No. 4778} – Relating to the Sale of City-owned property located at 220 NW Spanish River Blvd. and 3998 NW 5<sup>th</sup> Avenue, respectively.) An e-mail was provided. Mr. Ahnell explained that anyone wishing to place a bid on the above properties would be required to submit 10% of the bid amount, as a deposit, at the time the bid is offered. They would then have 90 days to obtain financing for the balance.

3. Consent Agenda:

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

a. Sealed Bids

- |    |   |           |
|----|---|-----------|
| 1) | Elevated Water Tank Restoration<br>Requested by Utility Services<br>Worth Contracting, Inc.   | \$640,000 |
| 2) | Surveillance System<br>Requested by Police Services<br>Innovative Surveillance Technology, Inc.   | \$45,086  |
| 3) | Hydraulic Repairs and Mobile Services<br>Requested by Municipal Services<br>Industrial Hose and Hydraulics Inc.                           | \$67,500  |
| 4) | Fence Installation for the Dog Park located at<br>Countess de Hoernle Park<br>Requested by Recreation Services<br>Anything In Fence, Inc. | \$48,907  |

b. Intergovernmental Agreements

- |    |  |          |
|----|--|----------|
| 1) | Rehabilitation of Water Production Wells<br>Requested by Utility Services<br>Aquifer Maintenance & Performance Systems, Inc. | \$31,304 |
| 2) | Vehicle (New)<br>Requested by Fire Rescue Services<br>Orville Beckford Ford  | \$34,580 |
| 3) | Anhydrous Ammonia<br>Requested by Utility Services<br>Tanner Industries, Inc.  | \$30,000 |

c. Sole Source

- |    |   |          |
|----|---|----------|
| 1) | Ambulance Cots and Patient Stair Chairs<br>Requested by Fire Rescue Services<br>Stryker Corporation Medical Equipment | \$47,351 |
|----|---|----------|

d. Resolution No. 56-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Woodfield Country Club Homeowner's Association, Inc.; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 57-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Right-Of-Way License Agreement with the Boca Raton Airport Authority for the purpose of constructing a 16" water main and a 16" reclaimed water main adjacent to Airport Road at the Boca Raton Airport; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 58-2004

A resolution of the City of Boca Raton amending the name of a street in the Banyans of Arvida Country Club P.U.D.; providing for conditions to the amendment; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 60-2004

A resolution of the City of Boca Raton supporting the Florida Area Coastal Environmental (FACE) Initiative to study sources of nutrients, trace metals, and unregulated substances in the coastal ocean and their impact on South Florida's coastal habitats and ecosystems; supporting local participation and federal funding for the FACE Initiative; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 61-2004

A resolution of the City of Boca Raton adopting a Local Housing Assistance Plan; authorizing and directing the City Manager to execute any required documents and certifications; establishing a maximum purchase price per unit; providing for severability; providing for repealer; providing an effective date

i. Initial Assessment Resolution No. 02-I/C (Revised 4/13/2004)

A resolution of the City of Boca Raton correcting a scrivener's error in Exhibit "A" and Section 2 of Initial Resolution 02-I (the list of properties specially benefited by the construction of a wastewater system and other improvements in an area generally known as Spanish Village); providing for severability; providing for repealer; providing an effective date

j. Receive and File Board Orders

- 1) Special Master
  - a) SM(G) Case No. 04-190
  - b) SM(G) Case No. 04-00000259
- 2) Zoning Board of Adjustment
  - a) Resolution No. BA-03-12
  - b) Resolution No. BA-03-11
  - c) Resolution No. BA-03-09
- 3) Builders' Board of Adjustment and Appeals
  - a) Order of Decision  
Case No. BBAA-03-7696

k. Receive and File Board Minutes – April 13, 2004

- 1) Citizens' Pedestrian and Bikeway Advisory Board  
February 9, 2004

- 2) Community Appearance Board  
March 2, 2004  
March 9, 2004
- 3) Community Relations Board  
February 9, 2004
- 4) Downtown Visions Committee  
June 11, 2003  
September 10, 2003
- 5) Financial Advisory Board  
February 17, 2004
- 6) Executive Employees' Retirement Plan  
January 7, 2004
- 7) Historic Preservation Board  
February 17, 2004
- 8) K-12 Education Task Force  
February 10, 2004  
February 25, 2004
- 9) Library Advisory Board  
January 21, 2004  
February 18, 2004
- 10) Pearl City Blue Ribbon Committee  
January 22, 2004
- 11) Planning and Zoning Board  
February 19, 2004
- 12) Police & Firefighters' Pension Board  
January 12, 2004  
January 21, 2004  
January 21, 2004  
February 13, 2004
- 13) Telecommunications Advisory Board  
February 2, 2004
- 14) Zoning Board of Adjustment  
February 12, 2004

I. Resolution No. 63-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 12 with Coastal Planning and Engineering Inc.; providing for severability; providing for repealer; providing an effective date

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

The public hearing on Items 4 through 7 was conducted contemporaneously, as the petitions were related, and pursuant to quasi-judicial guidelines. A separate vote was taken on each petition.

4. Ordinance No. 4769 (*Requires four votes for adoption*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as more specifically described herein, from RL (Residential Low) to RM (Residential Medium) and N (Conservation); providing for the appropriate revisions of the Future Land Use Map; granting a technical deviation for a driveway; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

5. Ordinance No. 4770 (*Quasi-judicial*)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 9.56 acres, more or less, located at 95 West Hidden Valley Boulevard, as described more particularly herein, from R-1-D (Single Family Residential) and R-3-D/PUD (Multifamily Residential/Planned Unit Development) to R-3/PUD (Multifamily Residential/Planned Unit Development); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

6. Resolution No. 35-2004 (*Quasi-judicial*)

A resolution of the City of Boca Raton granting Planned Unit Development master plan approval of the proposed Hidden Valley Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

7. Resolution No. 44-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Hidden Valley Planned Unit Development Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-08 SC/ZC/SPA/PUD/SUB)

The City Attorney reviewed the quasi-judicial procedures that would govern all the quasi-judicial public hearings on this agenda. The City Clerk administered the oath to those who indicated they wished to speak on this petition. Under ex-parte disclosures, Council Member Freudenberg advised that he had spoken with Shirley Schnuer, Michael Weiner, Mel Stromberg, and David Biggs. Deputy Mayor Hager advised that he had spoken with a number of the neighbors and the advocates of this project. Council Member Haynie advised that she had spoken with Miss Stumberger, Mr. Biggs, Mr. Weiner, Miss Schnuer, and a several of the neighbors as well.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He explained that the petitioner was requesting an amendment to the Future Land Use Map of the Comprehensive Plan, a rezoning request, site plan approval, the PUD master plan and tentative plat, for the proposed Hidden Valley residential community project. Location, surrounding streets and properties, environmental land, and a scrub area were identified. Of the 9.56-acre site, 8.36 acres would be developed. Current and proposed zoning, and the proposed future land use designation, were outlined.

Mr. Zurita stated that this small-scale project required four affirmative votes, followed by transmittal to the Department of Community Affairs (DCA) for review. He then explained that staff had reviewed this Comprehensive Plan Amendment and found that it met the criteria for consistency, compatibility, and concurrency. Explicit details were provided in each of those categories.

The rezoning and PUD Master Plan were reviewed next. Attention focused on the petitioner's requests to reduce the required setbacks to the buildings, the swimming pool, and the perimeter landscaping. Information regarding the site plan was also provided; this residential community would be comprised of single-family villas and townhouses. Mr. Zurita advised that the developer would be responsible for installation, construction and maintenance of public improvements.

A proposed roundabout would be constructed at the intersection of Hidden Valley Boulevard and Country Club Boulevard; its design would complement the intersection improvements at Dixie Highway and Hidden Valley Boulevard. Primary access to the development, site improvements, common and private open space areas, parking, and building heights for the villas and townhouses were reviewed in detail.

Mr. Zurita explained that a technical deviation was necessary for a required 150-foot long vehicle reservoir distance from the entrance gate to the property line. He then spoke to the issue of open space, stating that the petitioner had provided 4.62 acres of same, 1.20 acres of which were comprised of environmental land, specifically, the Rosemary Ridge Preserve.

Regarding the tentative plat, Mr. Zurita expressed that it provided for subdivision of the property into fee simple lots; it also delineated common areas and all required easements including conservation easements for the entire property. Mr. Zurita provided closing remarks, stating that staff recommended in favor of this project, with conditions, and then answered questions from Council brought forward at yesterday's workshop meeting. Attention was given to the proposed concrete pathway and a revised Condition 20 to Exhibit A of the ordinance.

Much discussion followed regarding the pathway and the roundabout. The City's Traffic Engineer Douglas Hess provided information to Council as requested. He explained that signalization was an option; however, the roundabout was recommended as a proven way to diminish accidents.

Michael Weiner, the attorney for the petitioner, gave a PowerPoint presentation and, basically, confirmed staff's findings. He then went on to highlight various aspects of the project including the preserve areas, the paved pathway, landscape buffers, and the roundabout.

Bruce Chatterton, a planning consultant for the project, voiced support of same and opined that the proposed development was in keeping with the City's Comprehensive Plan and the vision derived from the North Federal Highway Steering Committee's charrette; details were provided.

Mr. Weiner offered closing remarks and answered questions from Council.

Sister Elizabeth Ross, President of the Hidden Valley Condominium Association, voiced support of this development, as did Jim Knight, Graham Howard, Jim Stilwell, and Ian Mayville. John Largey, Diane Mason, Shirley Schnuer (President of the Boca Teeca Homeowners' Association), Karen Akers, Frank Ganley, and Don and Kim Ryan opposed the project, primarily due to issues related to density and security. Ibana Villasenor spoke but was unsure as to whether she supported the project.

Mr. Weiner rebutted comments made in regard to the density and security issues.

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

Staff members Alejandro Zurita, Douglas Hess, and Environmental Officer Dawn Sinka answered questions from Council related to the pathway, the roundabout, and the impact of the pathway on the preserve, respectively.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4769.*

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to amend Exhibit A of Ordinance No. 4769, Page 8, Line 6, to delete Subsection ii to eliminate the concrete pathway and renumber Subsection iii. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Hager, to amend Exhibit A of Ordinance No. 4769, Page 8, Line 5, to add a new Subsection ii, using language generally consistent with the following: "Design of a roundabout or appropriate traffic device, as determined by staff, at the intersection of NW 67<sup>th</sup> Street and NW 2<sup>nd</sup> Avenue;" Subsection iii would remain as Subsection iii. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*The vote on Ordinance No. 4769, as amended, was adopted 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to adopt Ordinance No. 4770. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Freudenberg to adopt Resolution No. 35-2004. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to adopt Resolution No. 44-2004.*

The City Attorney referred to a proposed revision discussed earlier and suggested a clarification be added to Condition 2 of the resolution, Page 2, Line 11, using language generally consistent with the following: "....of Palm Beach County. Areas designated on the plat as (N) Conservation shall be dedicated to the City of Boca Raton and the public for access and education/conservation purposes." Council agreed to include this language.

*The vote on Resolution No. 44-2004, as amended, carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

The meeting was recessed at 8:45 p.m. and reconvened at 8:50 p.m.

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

8. Ordinance No. 4773

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$24,500,000 General Obligation Refunding Bonds, Series 2004, of the City of Boca Raton, Florida; authorizing the advance refunding of a portion of City of Boca Raton General Obligation Bonds, Series 2000; 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. 55-2004

A resolution relating to the issuance of General Obligation Refunding Bonds, Series 2004, of the City of Boca Raton, Florida in the aggregate principal amount of not exceeding \$24,500,000 authorized under Ordinance No. 4773 for the purpose of paying and defeasing a portion of the City's outstanding General Obligation Bonds, Series 2000; providing for the terms and payment for said bonds; incorporating by reference the terms

and provisions of Ordinance No. 4773; establishing the maturity schedule in connection therewith; ratifying and confirming the publication of a summary notice of sale and authorizing the City Manager or the Director of Financial Services of the City 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 five percent; approving the execution and delivery of said bonds and appointing a Bond Registrar and Paying Agent; approving the form of and authorizing the execution of an Escrow Deposit Agreement; appointing an Escrow 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

Director of Financial Services Mervyn Timberlake gave the PowerPoint presentation. He explained that the 2000 General Obligation (GO) Bonds were used to purchase the Boca Tech property, south of Spanish River Boulevard; the original issue amount was \$30,000,000. Refinancing of the 2000 GO Bonds would produce present value savings of greater than 3%, which translated to over \$600,000 over the life of the bonds. Information related to projected debt service savings was then provided. Mr. Timberlake explained that the proposed ordinance would authorize the refinancing of the 2000 GO Bonds, using the same terms as the prior ordinance; the bonds would mature after July 1, 2010. The resolution would establish procedures for sale and the maturity schedule; authorize the City Manager or Financial Services Director to receive and award the sale; set guidelines for the bid acceptance; and approve the Official Statement, Escrow Agreement and procedures. Mr. Timberlake then advised that the bond market had shifted since Ordinance No. 4773 was introduced; in order to achieve at least a 3% present value savings, the market would have to adjust by 20 basis points. Consequently, passage of this legislation would allow the City to act quickly to take advantage of the improved market.

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4773. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

*Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 55-2004. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg 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:**

9. Ordinance No. 4771

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of .713 acres, more or less, located at 1099 NW 2<sup>nd</sup> Avenue, as more specifically described herein, from RL (Residential Low) to C (Commercial); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-02-03 SC/ZC/SPA)

The ordinance was introduced by Council Member Freudenberg.

10. Ordinance No. 4772

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of .713 acres, more or less, located at 1099 NW 2<sup>nd</sup> Avenue, as described more particularly herein, from R-1-D (Single-Family Residential) to B-1 (Local Business); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-02-03 SC/ZC/SPA)

The ordinance was introduced by Council Member Haynie.

11. Ordinance No. 4774

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a General Purpose Utility Easement, located at 1075 N.W. 6<sup>th</sup> Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-03-15)

The ordinance was introduced by Deputy Mayor Hager.

12. Ordinance No. 4775

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of Public Utility Easements, located adjacent to S.W. 3<sup>rd</sup> Avenue between West Palmetto Park Road and S.W. 1<sup>st</sup> Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-14)

The ordinance was introduced by Council Member Freudenberg.

13. Ordinance No. 4776

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of S.W. 3<sup>rd</sup> Avenue between West Palmetto Park Road and S.W. 1<sup>st</sup> Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-03-05)

The ordinance was introduced by Council Member Haynie.

14. Ordinance No. 4777

An ordinance of the City of Boca Raton authorizing and directing the City Manager to advertise for proposed sale by competitive bidding a parcel of land consisting of approximately .33 acre and located at 220 N.W. Spanish River Boulevard; authorizing the City Manager to accept the highest competitive bid which meets all applicable requirements; authorizing the Mayor and City Clerk to execute an agreement for purchase and sale and a quit claim deed; authorizing the Mayor and City Clerk to execute and record a unity of title; providing for severability; providing for repealer; providing an effective date (SC-03-17)

The ordinance was introduced by Deputy Mayor Hager.

15. Ordinance No. 4778

An ordinance of the City of Boca Raton authorizing and directing the City Manager to advertise for proposed sale by competitive bidding a parcel of land consisting of approximately .36 acre, improved with a single family house, and located at 3998 N.W. 5<sup>th</sup> Avenue; authorizing the City Manager to accept the highest competitive bid which meets all applicable requirements; authorizing the Mayor and City Clerk to execute an agreement for purchase and sale and a quit claim deed; providing for severability; providing for repealer; providing an effective date (SC-03-16)

The ordinance was introduced by Council Member Freudenberg.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Hans Singer referred to the new fire station being constructed on SW 18<sup>th</sup> Street and objected to a “lack of architectural design” as compared to the fire station being constructed on Palmetto Park Road. Mr. Ahnell explained that the fire station on Palmetto Park Road is located in historic Old Floresta; therefore, it was designed to fit in with the original Mizner architecture. The 18<sup>th</sup> Street fire station would also have nice architectural details and would be compatible with the surrounding area. Staff is to meet with Mr. Singer.

(Council reordered the agenda to consider Item No. 19 under Public Requests)

19. Request from The Tree Committee, Inc. - Royal Oak Hills

The City Manager provided a brief update on the status of negotiations with The Tree Committee and stated that the Committee had requested a 30-day extension of the original deadline to finalize the Revocable License Agreement.

Clem Storch, President of the Royal Oak Hills Homeowners’ Association, again cited the reasons why the Association was unable to maintain the ficus trees located at the Camino Real entrance and, again, urged Council to remove them as soon as possible to bring an end to the divisiveness within the community.

Don Bagley, a member of the ROH Board of Directors, also advocated removing the trees to finally put this issue at rest.

Stephan Jaffer, Chairperson for The Tree Committee, formally requested the 30-day extension of the deadline to finalize the agreement with the City.

Jack Battisto, Kathy Ryan, Kelly Bergin, and Becky O’Connor all spoke in support of retaining the trees.

*Motion was made by Council Member Haynie, seconded by Mayor Abrams, to extend the deadline 30 days in order to finalize the Revocable License Agreement. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There were no items for consideration.

**QUASI-JUDICIAL PUBLIC HEARING – REQUEST FOR VARIANCE  
FROM CHAPTER 24 / SIGN CODE:**

16. Resolution No. 59-2004

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-77(b), Code of Ordinances, to construct one (1) freestanding sign that exceeds 7 feet in height and 48 square feet in total sign face area at 2 SW 12<sup>th</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SCV-03-04)

The City Clerk administered the oath to those who wished to speak on this petition.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. Location, zoning and land use designation were provided for the Church of Religious Science a/k/a the Science of Mind Center. Attention turned to the existing sign and the proposed new sign, which would be constructed at a different location. The petitioner proposed to remove the existing sign and obtain a variance to construct a sign eight feet, six inches high, with a sign face of 52 square feet. Specifically, the variance request was to exceed the maximum sign height permitted by Code by one foot, six inches and to exceed the maximum permitted sign face area by four square feet.

No one came forward to speak at the public hearing.

*Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to adopt Resolution No. 59-2004. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

**PUBLIC HEARING – REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIEN:**

17. Resolution No. 51-2004 (Continued from the March 23, 2004 meeting)

A resolution of the City of Boca Raton granting the application of Orchard View Development Ltd. for a reduction in the amount of the code enforcement lien imposed in Case Number 98-2412; providing for severability; providing for repealer; providing an effective date

Code Compliance Supervisor Ken Massalone gave the presentation; he explained that the violation pertained to trash and debris, which accumulated on a property located at 555 NW Spanish River Boulevard. In March 1999, a violation hearing was held and a fine was assessed at the rate of \$75 per day, resulting in a total amount of \$16,650.00 since the violation continued until December 1999. Staff recommended denial of the request to reduce the lien.

Glenn Leonard, the attorney representing the owner, stated that his client was not responsible for creating the mess that lead to the violation. However, the property had been cleaned up, at his client's expense, and brought into compliance. Mr. Leonard acknowledged that his client had procrastinated in paying the fine but asked for Council's lenience in regard to granting a reduction.

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

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to sustain the City Manager's recommendation to deny the lien reduction request. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

(A revised Resolution No. 51-2004 will be prepared to reflect the above action.)

## **QUASI-JUDICIAL PUBLIC HEARINGS - APPEAL OF CITY MANAGER DECISION:**

### 18. Resolution No. 62-2004

A resolution of the City of Boca Raton granting Thomas Amarto's appeal of the City Manager's decision and reversing the decision of the City Manager to deny the application of Thomas Amarto for a city driver's permit; providing for severability; providing for repealer; providing an effective date

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

Assistant Chief of Police Robert Daniels stated that the Code, as currently written, does not authorize the City Manager or staff to issue a driver's permit to anyone convicted of a felony. He then advised that, in this case, the charge was adjudicated and the sentence withheld. Chief Daniels recommended that Mr. Amarto be given a driver's permit, citing several reasons: 1) this was the only offense on Mr. Amarto's record, 2) no probation was necessary at the time of the incident, and 3) this incident took place approximately 17 years ago. In conclusion, staff determined that it was fair to grant the appeal.

Mr. Amarto spoke on his own behalf and expressed appreciation to Council and staff for considering his appeal.

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

*Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Resolution No. 62-2004. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

## **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

### 20. Designation of Voting Delegate & Alternates to the Palm Beach County League of Cities

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Hager to appoint Council Member Haynie as the voting delegate, with all other members of Council designated as alternates. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Haynie voting yes.*

### Goal Setting Sessions

Mr. Ahnell advised that goal setting sessions would take place next week; Council Members should expect a memo from the City Manager's Office, providing information on the meeting schedule and an update on the priorities established at last year's goal setting sessions.

## **CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

## **MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Haynie requested an update in regard to the citrus canker matter. Mayor Abrams explained that trees tagged for cutting in Boca Raton would be removed in May or June. He also stated that he had spoken with the Sheriff's Office and was advised that they would be hiring additional personnel, for public relations purposes, to go out in the field and assist residents when the Department of Agriculture arrives to cut down trees.

Mayor Abrams reported that he and his son visited the fish farm at Florida Atlantic University (FAU), where his son enjoyed fishing with other children at the facility. As a result of this visit, Mayor Abrams suggested that a fishing amenity might be an option to consider at the Countess de Hoernle Park.

**ADJOURNMENT:**

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:53 p.m. on Tuesday, April 13, 2004.

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

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk