

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, JUNE 25, 2002  
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

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to amend the agenda to add Ordinance No. 4663 under "Regular Business – Part IV – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

**PROCLAMATIONS:**

National Recreation and Parks Month – July 2002

Recreation Services Director Mickey Gomez accepted the proclamation. He then introduced Community Resources and Affairs Specialist Emily Lilly, who reminded everyone of the upcoming July 4<sup>th</sup> celebration.

**AWARDS/RECOGNITIONS:**

Recognition of Ocean Rescue Staff

Mr. Gomez introduced Aquatics Captain Grant McCosh, who introduced and recognized each member of the Ocean Rescue Team. The Team was recognized for their participation and performance in two recent prestigious competitions.

**MINUTES:**

Minutes of the Regular Workshop Meeting of June 10, 2002  
Minutes of the Regular Meeting of June 11, 2002

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the minutes as presented. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

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

### 1. Appointments to the following boards:

- a. Community Relations Board– (3) vacancies. Two vacancies due to term expirations of Kathleen M. O’Leary and Bruce P. Foster, whose terms expire 07/25/02; one vacancy to replace student David Tring.

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

Mr. Foster was appointed.

- b. Historic Preservation Board – (4) vacancies. Three vacancies due to term expirations of Howard E. McCall, Merle Haber, and Dr. Donald W. Curl, whose terms expire 07/01/02; one vacancy due to resignation of Bonnie Dearborn, whose term expires 07/01/02.

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

Mr. McCall was reappointed as the member who is a member of the American Institute of Architects.

Council Member Hanson nominated Kathleen Altizer, Donald Curl and Merle Haber to be considered for the other vacancies. Council Member Freudenberg nominated Jason Mankoff. Nominations were then closed without objection.

In the voting, Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voted for Merle Haber and Kathleen Altizer; Mayor Abrams, Deputy Mayor Haynie, Council Members Hager and Hanson voted for Donald Curl; Council Member Freudenberg voted for Jason Mankoff.

Dr. Curl and Ms. Haber were reappointed; Ms. Altizer was appointed.

### 2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.1. – Military Trail Beautification / Hillsboro Canal to Camino Real) A memo was provided, detailing the funding to be supplied by various entities. Annual maintenance for the area is estimated to be \$38,700.

(Consent Agenda Item 3.f.1. – Change Order / Glades Road Water Treatment Plant On-Site Sodium Hypochlorite Generation System) A memo was provided, stating that Utility Services has had 103 change orders so far this year; 58 have increased the costs and 45 have decreased costs. The net increase due to change orders was \$37,219 or approximately 0.4% of the total aggregate contract/purchase price of \$9,504,898 for all these items.

(Consent Agenda Item 3.e. – Resolution No. 98-2002 / Work Order No. 4 with Coastal Planning and Engineering, Inc. relating to acquisition of a permit for inlet maintenance at Boca Raton Inlet) An e-mail was provided, noting that one of the permit conditions requires daily monitoring of renourished beaches. During turtle season, nests will be monitored; during the remaining months, beach erosion will be monitored and data collected.

(Consent Agenda Item 3.h. – Resolution No. 101-2002 / Work Order No. 1 with Flynn Engineering Services, P.A. relating to bike lanes for SW 13<sup>th</sup> St/Camino Gardens Blvd and SW 12<sup>th</sup> Avenue) An e-

mail was provided, advising that the bike lanes for SW 12<sup>th</sup> Avenue, between Camino Real and SW 14<sup>th</sup> Street are not included in this work order.

(International Museum of Cartoon Art) A memo was provided, explaining that only one party, The NASCAR Museum, has picked up a Request for Proposal, regarding the Cartoon Museum site.

(Agenda Item 9 – Ordinance No. 4662 / Relating to public entity crimes) A memo, with attachment, was provided, stating that there are currently five firms and/or individuals on the Public Entity Crimes List (Convicted Vendor List) for the State of Florida.

3. Consent Agenda:

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

a. Sealed Bids

- |    |   |           |
|----|---|-----------|
| 1) | Military Trail Beautification-Hillsboro Canal to Camino Real<br>Requested by Recreation Services<br>Centerline Commercial, Inc. | \$371,353 |
|----|---|-----------|

b. Sealed Renewals

- |    |   |           |
|----|---|-----------|
| 1) | Weatherproofing<br>Requested by Recreation Services<br>Hartzell Inc.      | \$120,856 |
| 2) | Police Uniforms<br>Requested by Police Services<br>Special Products Group | \$52,000  |

c. Sole Source

- |    |   |           |
|----|---|-----------|
| 1) | Web Based Software<br>Requested by City Manager<br>HTE Inc.                 | \$122,345 |
| 2) | Property Insurance<br>Requested by Financial Services<br>Beacon Group, Inc. | \$640,000 |

d. Change Order

- |    |   |          |
|----|---|----------|
| 1) | Glades Road Water Treatment Plant On-Site<br>Sodium Hypochlorite Generation System<br>Requested by Utility Services<br>The Poole and Kent Company | \$59,623 |
|----|---|----------|

e. Resolution No. 98-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 4 with Coastal Planning and Engineering, Inc. for acquisition of the Department of the Army permit for interior inlet maintenance at Boca Raton Inlet; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 99-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Coastal Planning and Engineering, Inc. for engineering services for the Department of Environmental Protection permit requirements for project area monitoring and evaluation for the Boca Raton Inlet and adjacent beaches monitoring program; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 100-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 6 with Coastal Planning and Engineering, Inc. for engineering services for the Department of Environmental Protection permit requirements for project area monitoring and evaluation for the North Beach renourishment monitoring program; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 101-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Flynn Engineering Services, P.A. for the purpose of providing professional engineering services for bike lane designs on SW 13<sup>th</sup> Street/Camino Gardens Boulevard and Southwest 12<sup>th</sup> Avenue; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 102-2002

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection ("State"), subject to the City's regulatory authority and the Code of Ordinances; advising the State that the City will have the ability to provide local funding share necessary to implement any State beach and coastal management program in which the City elects to participate; authorizing the City Manager to forward a long-term beach funding plan to the State; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 103-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with William R. Welhaf, M.D., for the purpose of employing a Medical Director for the Advanced and Basic Life Support Services provided by the Fire Rescue Services Department of the City; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 104-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Environmental Protection Agency (USEPA) for the membrane softening improvements at the water treatment plant; 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

l. Receive and File Board Minutes – June 25, 2002

- 1) Citizen's Pedestrian and Bikeway Advisory Board  
May 13, 2002

- 2) Community Appearance Board  
May 14, 2002
- 3) Downtown Visions Committee  
May 9, 2002
- 4) General Employees' Pension Board  
May 8, 2002
- 5) Parks and Recreation Board  
May 7, 2002  
May 9, 2002
- 6) Planning and Zoning Board  
April 18, 2002  
May 2, 2002
- 7) Police and Firefighters' Pension Board  
April 17, 2002
- 8) Telecommunications Advisory Board  
May 6, 2002

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

There was no business to consider under Part II.

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

4. Ordinance No. 4656

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 12.08 acres, more or less, located at 5580-5798 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium) granting a technical deviation to Chapter 23, Code of Ordinances; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-01-02SC)

a. Appeal of Land Dedication for Windsor Court at Boca Raton

Senior Planner Jennifer Simon opened the presentation, reiterating that this is the first of two public hearings and advising that answers to questions that arose at yesterday's workshop meeting have been provided either in the handout or will be incorporated into the presentation. Information provided in the handout includes a map depicting the size of the properties north and south of the site, a revised ordinance with a condition requiring a notice to potential property owners of the location of public schools, and a revised page of the potable water analysis section of the Comprehensive Plan Amendment application, with corrected figures. Ms. Simon also provided requested information related to a Delray Beach mixed-use project.

The petition is a request for universal conditional approval of the proposed Windsor Court at Boca Raton development that includes an amendment to the Future Land Use Map, a rezoning, site plan approval, and a technical deviation. Ms. Simon then provided the zoning classifications of the surrounding properties. The development site encompasses approximately 12.08 acres, generally located at 5580 N. Federal Highway, which is now occupied by the Kingsbridge Square Shopping Center and the Carson's Steakhouse restaurant. The property is currently zoned RB1 and has a Comprehensive Plan Future Land Use Designation of Commercial. The petitioner proposes to change the current zoning classification of

RB1 to R3 and change the Comprehensive Plan Future Land Use Map Designation from Commercial to Residential Medium.

Primary access to the property will be through a 24-hour guarded gate from North Federal Highway. An additional entrance for fire and sanitary service is planned on Kingsbridge Street. Ms. Simon then elaborated regarding interior roadways, landscaping, open space, the common area, the decorative wall/fence that will surround the property on all sides, etc. The characteristics and design of the project was described as neo-traditional, i.e. incorporating both historical and contemporary neighborhood patterns. The proposed 104 three-story townhouse units are designed to have front porches, covered balconies, two-car garages in the rear, and neighborhood greens. They would be 35 feet in height, as measured from the crown of the road to the mean height level. She provided additional information as to how the units would be grouped and regarding specific planned architectural and design accoutrements.

Ms. Simon advised: the City's traffic engineer concurs with the request for a technical deviation related to reduction of a 20-foot alleyway width from the standard 24 feet of pavement to 20 feet; the Planning and Zoning Board reviewed the petition and recommended approval with one condition, specifically, the 10-foot wide, shared-use pathway is to be constructed after the Certificate of Occupancy is issued for the 53<sup>rd</sup> unit; and staff has found that the proposed changes are consistent with the goals, objectives, and policies of the Comprehensive Plan, and are compatible with the surrounding existing and future land uses. Ms. Simon also reviewed the procedure and timeline leading up to the final public hearing.

Regarding the appeal of the land dedication recommended by the Parks and Recreation Board, Ms. Simon advised that the petitioner is requesting a fee in lieu of the land dedication. Recreation Services and Development Services staff have recommended a fee of \$109,200 in lieu of the land dedication.

Gus Tarnowski, civil engineer for the project, responded to questions. He stated that elevators would be an option; the townhouse price range will be \$400,000 to \$600,000; construction is not to be phased; units would be approximately 3,000 square feet; the community would be gated; and 2005 is the target date for completion.

The Vice-Chairman of the Parks and Recreation Board, Earl Starkoff, stated the factors that determined the Board's decision in regard to the land dedication.

Roger Dey and Peter Niewinski, residents of the neighborhood to the east of the proposed project, stated their objections to the project, as did Sally Stewart, a resident of the City. Jim Knight spoke in support of the project and advised he was also speaking on behalf of several neighbors, who he named.

Municipal Services Director Robert DiChristopher responded to questions about drainage issues.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to approve transmittal of Ordinance No. 4656, as revised, to the Florida Department of Community Affairs. Motion carried on a 3-2 vote; Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Mayor Abrams and Council Member Hanson voted no.*

Deputy Mayor Haynie asked that an advisory letter be forwarded to the Parks and Recreation Board regarding possible use of the Newcastle right-of-way as a linear park to provide additional green space. There was no objection to the advisory letter.

At the request of the Mayor, the City Attorney provided her opinion regarding the intent of the land dedication section of the Code.

*Motion was made by Council Member Freudenberg, seconded by Mayor Abrams, to grant the appeal, contingent upon the adoption of Ordinance No. 4656, as revised. Motion carried on a 3-2 vote; Mayor Abrams, Deputy Mayor Haynie and Council Member Freudenberg voting yes. Council Members Hager and Hanson voted no.*

5. Ordinance No. 4658

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by amending Policy LU.1.1.1 relating to intensity regulations for commercial and industrial uses; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-02-01)

Development Services Senior Planner Jennifer Simon opened her presentation by stating that tonight's public hearing is the first of two required public hearings. The vote at this meeting would be for transmittal to the Florida Department of Community Affairs.

This petition would amend the Future Land Use Element of the Comprehensive Plan relating to intensity standards in the MC (Medical Center) and LB (Civic Center and Limited Business) zoning districts. This amendment was referred to as a "housekeeping item," since it would provide consistency with the Code of Ordinances. Ms. Simon explained that Council adopted Ordinance No. 3849 in 1990, which amended the Code to establish maximum intensity standards for the LB and MC zoning districts. However, Land Use Policy 1.1.1 of the Comprehensive Plan was not amended to reflect the establishment of these intensity regulations within these zoning districts. Therefore, this proposed amendment would correct that oversight and provide uniformity between the Code of Ordinances and the Boca Raton Comprehensive Plan. Ms. Simon concluded her presentation by stating that staff recommended approval and answered questions from Council.

The public hearing was opened and closed with no one coming forward.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to approve transmittal of Ordinance No. 4658 to the Florida Department of Community Affairs. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

6. Ordinance No. 4659

An ordinance of the City of Boca Raton designating the area generally located north of Northeast 10<sup>th</sup> Street, south of Northeast 12<sup>th</sup> Street, east of Dixie Highway and west of Federal Highway, as described more particularly herein, also known as Pearl City, as an historic district; providing for severability; providing for repealer; providing an effective date (SC-01-05)

a. Resolution No. 97-2002

A resolution of the City of Boca Raton adopting the Interim Design Guidelines for the Pearl City Historic District; providing for severability; providing for repealer; providing an effective date

Ruby Childers, Administrative Services Manager in the Development Services Department, gave the presentation. The proposed historic district encompasses Pearl City as it was platted in 1915, but includes Ebenezer Baptist Church and excludes the properties located east of Federal Highway. Thirty-two, mostly residential, buildings would comprise the historic district; 18 of these were constructed between 1920 and 1965 and are considered to be contributing, in that they promoted a united cultural identity for the African-American neighborhood; the remaining 15, built after 1965, are considered to be non-contributing.

Ms. Childers stated that the area in question should be designated historic for several reasons: 1) Pearl City has the most significant concentration of African-American cultural resources in Boca Raton, 2) a sense of community is evident, geographically, socially, and spiritually, in Pearl City, and 3) Pearl City was platted in 1915 for African-American farm workers, representing the primary historical significance of African-American contributions to the City of Boca Raton. The Pearl City Blue Ribbon Committee, the Historic Preservation Board, and the Planning and Zoning Board all unanimously recommend the historic designation of Pearl City.

The interim design guidelines, recommended by the Historic Preservation Board, are necessary to facilitate the application process until permanent design guidelines can be established.

John Martin and Irene Carswell spoke in support of the designation. Albert Nelson, who stated he has done work in historic districts, advised careful review of the basic design standards and the way in which they will be implemented.

*Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to adopt Ordinance No. 4659. Motion 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 Hager, to adopt Resolution No. 97-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

7. Ordinance No. 4660

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 1.01 acres, more or less, located at 5101 Congress Avenue, as more specifically described herein, from IL (Light Industrial) to N (Conservation); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-02-03)

Planner Daryl Johnson explained that a master plan for the VPC Center was approved in 1997, and a condition of that approval required a Future Land Use Element designation of N (Conservation) for the environmental preserve. He concluded his report by stating that the Planning and Zoning Board unanimously recommended approval; staff also recommended approval.

In response to a query from Council, Development Services Director Jorge Camejo advised that while there was an oversight in implementing this change in designation, the property has been maintained as a preserve, as mandated by the universal conditional approval.

The public hearing was open and closed with no one coming forward.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Ordinance No. 4660. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

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

8. Ordinance No. 4661

An ordinance of the City of Boca Raton amending Section 2-153, Code of Ordinances; modifying the qualifications for membership on the Community Relations Board to allow students in grade 12 to serve on the Board; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hanson introduced the ordinance.

9. Ordinance No. 4662

An ordinance of the City of Boca Raton amending Section 13-73, Code of Ordinances; providing that all agreements for the sale or purchase of property by the City shall contain a clause whereby the purchaser or seller affirms that neither: (A) the purchaser or seller, nor (B) any current or former officer (if corporation), partner (if partnership) or equivalent authorized person (if other type of legal entity) of the purchaser or seller, has been convicted of a public entity crime, as defined in section 287.133, Fla. Stat.; providing that all solicitation of responses involving a

sale or purchase of property by the City shall inform potential responders of this requirement; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hanson introduced the ordinance.

9.a. Ordinance No. 4663

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a sale and purchase agreement with Palm Beach County for the purpose of the disposition of a parcel of land consisting of approximately 77.84 acres located generally north of N.W. 40<sup>th</sup> Street and east of Military Trail in the City of Boca Raton, Florida; authorizing the Mayor and City Clerk, or the City Manager, to execute any documents provided for or contemplated by the agreement, and to take any actions required for the implementation of the agreement; providing for severability; providing for repealer; providing an effective date

Deputy Mayor Haynie introduced the ordinance.

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

Barbara Banks-Wittich, a resident of Fox Landing, commented on her development's desire to be annexed into the City. Mayor Abrams confirmed that the City is in receipt of the request from Fox Landing and the matter is under review.

Peter Greenblatt and Barbara Banks-Wittich requested the City's assistance with FPL issues. Mayor Abrams advised he would be addressing this request under "Mayor and Council Member Reports."

Neil Haynie, along with two Civil Air Patrol cadets, advised all of the Pilots' Associations' 4<sup>th</sup> of July celebration, which is also serving as a fundraiser for Civil Air Patrol cadets.

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

There was no other business for consideration.

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

10. Tri-County Humane Society – Request for Release of Funds

Mr. Ahnell provided information in answer to questions raised at yesterday's workshop, explaining that there are 11 members on the Tri-County Humane Society Board of Directors. In addition, the Society has an Advisory Board of 21 members. He then briefly outlined the history of the shelter and stated that the property is currently zoned agricultural. Information was provided on the bird sanctuary property and revenues and expenditures relating to the shelter from 1988 to 2001. Mr. Ahnell concluded by asking for Council's direction relating to disbursement of funds.

*Motion was made by Council Member Freudenberg, seconded by Mayor Abrams, to approve the release of funds to the Tri-County Humane Society, subject to receipt of plans for capital improvement. Motion carried on a 4-1 vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.*

Testing of IRIS Water

Responding to questions brought forward at the workshop, Mr. Ahnell referred to memos, with attachments, from Utility Services and explained that Dr. Joan Rose of the University of South Florida provides testing of reclaimed water for the City at a cost of approximately \$1,000 per test. On the issue of cryptosporidium or giardia in reclaimed water, Mr. Ahnell referenced an e-mail from Lisa Self, Wastewater Enforcement Coordinator with the Department of Environmental Protection (DEP), which explained that detection limits, which define the sensitivity of equipment/methods, should not be confused with

regulatory limits, which define the maximum amount allowed to be present under State rules. Ms. Self went on to say that, "there is no regulatory limit at present on cryptosporidium or giardia in reuse water, either from EPA or the State of Florida. The most current and reliable research has led experts, including Dr. Joan Rose, to agree that there is presently no need for limits."

#### Campus Development Agreement (CDA) with FAU

Mr. Ahnell reported that the Board of Education (BOE) did not consider the CDA at their last meeting, preferring instead to have the City proceed with the two required public hearings first. The hearings are expected to be held in July. After the second public hearing, the CDA will be forwarded to the BOE for review. It was noted that funding for the City would not be made available until after the review by the BOE.

#### Fire Hydrants

Mr. Ahnell explained that he, personally, inspected the fire hydrant along A1A and the border of Deerfield Beach, which a member of the public reported was missing a cap. Mr. Ahnell noticed that a Deerfield Beach hydrant was also missing a cap; he had both caps replaced. In addition, bushes around the City's fire hydrant will be trimmed.

#### Gymnasium

Mr. Ahnell brought forward two draft letters relating to support for the efforts expended by the Boca El Gym Fund, Inc. to obtain funding and save the building. While the first draft letter simply expresses the City's support for the project, the second draft letter states the City's commitment to pledge \$25,000 to the match requirement of the Fund's application, if the Special Category grant from the Division of Historical Resources is awarded to this project. It was also noted that the City's \$25,000 pledge is contingent upon the Fund meeting the School District's requirement that \$500,000 be raised by September 1, 2002, in addition to receipt by the Fund of the Special Category grant. Discussion turned to costs associated with operating the facility. Council Member Hanson requested inclusion of language in the letter that would note that the City's match is contingent on budget approval of the allocation.

*Motion was made by Council Member Hager, seconded by Mayor Abrams, to approve Draft Letter #2, as revised to include the language requested by Council Member Hanson. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

#### Boca Raton Airport Authority

The City Manager reported that the Airport Authority had contacted the City regarding its five-member Aviation Advisory Committee, which is to review noise mitigation and related subjects. One appointee is needed to represent the City of Boca Raton. Mr. Ahnell reviewed the restrictions associated with the position. During discussion, it was agreed that, in the interests of representing all City residents, the appointee would take direction from Council; in addition, the appointee would also report to Council.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to advertise the City-appointed position on the Aviation Advisory Committee, pursuant to the by-laws of the Committee. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

In addition, Council directed that staff notify recent Airport Authority applicants and Noise Committee applicants of the position.

#### **CITY ATTORNEY REPORTS:**

The City Attorney referred to the Supreme Court decision in the case of Watchtower Bible & Tract Society of New York, Inc. et al v. Village of Stratton, which relates to door-to-door solicitation. Although such solicitation has not been a major issue in the City, Ms. Frieser advised that her office is reviewing the Code and could possibly be bringing forward some revisions. She added that her staff would first develop a clear understanding of the opinion, so as not to overreact and remove Code regulatory provisions if it is felt they would sustain challenge.

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

Council Member Freudenberg referenced a packet he received from an individual, relating to a facility called "Awakenings," and voiced concern that the establishment is not what it appears to be i.e., a residential unit. According to this information, the facility provided "watchful care" and administered medications to the aforementioned individual. Mr. Freudenberg suggested that the City continue its observation of these types of facilities.

Council Member Freudenberg spoke to the issue of Adelphia, which is currently providing cable service to the City and may file for bankruptcy. He requested that the Telecommunications Advisory Board review the options available to the City. He also asked that the Board research the feasibility of having the City operate the cable franchise. Deputy Mayor Haynie advised that an update regarding the Adelphia situation is on the League of Cities agenda tomorrow.

Deputy Mayor Haynie noted the Chalfonte's request for assistance in defending the removal of the City-installed geotubes. The City Attorney explained that appeal issues would be handled by Municipal Services, as the issues involved are more technical than legal in nature.

Mayor Abrams advised he, along with Mr. Ahnell, met with Mr. Greenblatt and other interested citizens regarding the FPL issue. One topic of discussion was confirmation of FPL's cost estimate for burying the power lines. The City Manager explained the City has committed to researching the issue and providing Council with a cost estimate in approximately two weeks. Mr. Freudenberg stated he stands by his contention that FPL's analysis is flawed and confirmed some questions remain unanswered. Council was in agreement that the City Attorney should research the feasibility of drafting a demand letter relating to points that FPL has not yet addressed.

For the record, Council Member Hanson read the letter from the Fox Landing residents wherein they requested annexation. That letter refers to an analysis provided by Council Member Freudenberg. Ms. Hanson referred to policy regarding Council Member correspondence and expressed her displeasure that policy was not always being followed. Council Member Hanson also questioned whether all information relating to the International Museum of Cartoon Art was being provided to Council.

Council Member Hanson referred to yesterday's CRA meeting wherein a member of the public referred to a large hotel, proposed to be constructed at the current site of Washington Mutual Bank. She specifically suggested that residents living along Royal Palm Way should be notified when this particular project is scheduled for public hearing before the CRA.

Mayor Abrams referenced the bio-chemical testing, which took place in Boca Raton and other areas of the country in the 1950s, and reported that Senator Nelson's office and the City's federal lobbyist will keep the City apprised of the current investigative hearings.

Mayor Abrams explained that he met with the FBI and the Governor of Florida, at their request, at which time he received an update on the continuing criminal investigation relating to the anthrax incident at the AMI building.

## **ADJOURNMENT:**

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 10:03 p.m. on Tuesday, June 25, 2002.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk