

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MARCH 22, 2005
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven 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 Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

PROCLAMATIONS / AWARDS / PRESENTATIONS:

The proclamation declaring April 2005 as Gold Coast Quilter's Month was accepted by Barbara Hall, a member of the Gold Coast Quilter's Guild.

AMENDMENTS TO THE AGENDA:

Motion was made by Mayor Abrams, seconded by Council Member Whelchel, to amend the agenda to delete Regular Agenda Item No. 9, Ordinance No. 4858, and direct the City Manager to meet with all parties in regard to same and return to Council with recommendations. Motion carried 3-2 on a voice vote; Mayor Abrams, Deputy Mayor Hager and Council Member Whelchel voting yes. Council Members Freudenberg and Haynie voted no.

MINUTES:

Minutes of the Regular Workshop Meeting of February 22, 2005
Minutes of the Regular Meeting of February 23, 2005

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment and Appeals – (1) one vacancy, due to term expiration of Robert L. Welch (Electrical Contractor), whose term expired 02/15/05.

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy, due to resignation of Barbara Safranek, whose term expires 01/12/07.

There were no applicants.

- c. Community Relations Board – (1) one student vacancy, due to graduation of Elizabeth Barron.

There were no applicants.

- d. Education Advisory Board – (1) one vacancy, due to resignation of Cleveland Peoples, whose term expires 07/28/06.

Mayor Abrams advised that a memo was received from applicant Nancy Sneider, stating that she was unable to attend tonight's meeting.

Motion was made by Mayor Abrams, seconded by Council Member Haynie, to appoint Nancy Sneider to the Education Advisory Board to complete the term expiring 07/28/06. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Ms. Sneider was appointed to the Board.

- e. General Employees' Pension Board – (1) one vacancy, due to term expiration of Robert J. Daniels, whose term expires 03/29/05.

Motion was made by Deputy Mayor Hager, seconded by Council Member Whelchel, to reappoint Robert J. Daniels to the General Employees' Pension Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Daniels was reappointed to the Board.

- f. Planning and Zoning Board – (2) two vacancies, due to term expirations of Jorge H. Garcia and William E. Fairman, whose terms expire 03/31/05.

William Fairman expressed interest in retaining his position on the Board. Mayor Abrams advised that a letter was received from Jorge Garcia, stating that he would be unable to attend tonight's meeting.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to reappoint Jorge H. Garcia and William E. Fairman to the Planning and Zoning Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Garcia and Mr. Fairman were reappointed to the Board.

- g. Board of Trustees for Police & Firefighters' Retirement System – (2) two vacancies, due to term expirations of Peter B. McAllister and Mervyn C. Timberlake, whose terms expire 03/29/05.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to reappoint Peter B. McAllister and Mervyn C. Timberlake to the Board of Trustees for Police & Firefighters' Retirement System. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. McAllister and Mr. Timberlake were reappointed to the Retirement System.

- h. Zoning Board of Adjustment – (2) two vacancies, due to term expirations of John P. von Stetten and Jason S. Mankoff, whose terms expire 04/10/05.

Spencer Siegel interviewed for a position on the Board.

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to reappoint Jason S. Mankoff and to appoint Spencer Siegel to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Mankoff was reappointed and Mr. Siegel was appointed to the Board.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.c.1. – Property Insurance) A memorandum was provided. Mr. Ahnell outlined the names and ratings of the companies that would provide \$55 million of coverage for the City, stating that none of the companies were procured through any of the Marsh companies. There were, in fact, procured via the City's broker, Beacon Group, Incorporated.

3. Consent Agenda:

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt the Consent Agenda minus Item Nos. 3.i. and 3.l., Resolution Nos. 50-2005 and 57-2005, respectively, which would be considered separately immediately following the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

a. Sealed Bids

1)	Solar Salt Requested by Utility Services Morton Salt	\$136,298
2)	Airport Rd. 16" Water Main & 16" Reclaimed Water Main Requested by Utility Services B & B Underground Contractors, Inc.	\$1,479,503
3)	Janitorial Supplies Requested by City Wide Crown Sanitary Supply	\$78,000

b.	<u>Competitive Sealed Proposal</u>	
	1) Coach Bus Transportation Service for Summer Camp & GAP Programs Requested by Recreation Services American Coach Lines of Miami, Inc.	\$116,935
c.	<u>Competitive Sealed Proposal - Renewal</u>	
	1) Property Insurance-Renewal Requested by Financial Services Beacon Group, Inc.	\$913,531
d.	<u>Sealed Bid-Renewals</u>	
	1) Landscape Maintenance Services for the Cemetery & Mausoleums-Renewal Requested by Recreation Services Vila & Son Landscaping	\$32,820
	2) Landscape Maintenance Services for El Rio Bicycle/Pedestrian Corridor-Renewal Requested by Recreation Services Complete Property Services	\$29,886
	3) Landscape Maintenance Services for the Complex-Renewal Requested by Recreation Services Custom Care, Inc.	\$32,000
e.	<u>Intergovernmental Agreements</u>	
	1) Vehicles (New) Requested by Municipal Services Maroone Chrysler Jeep	\$58,088
	2) Vehicle (Replacement) Requested by Municipal Services Mauldin International Trucks	\$82,750
	3) Toro Groundsmaster 3500 -D Turf Mower (Replacement) Requested by Recreation Services Wesco Turf Supply, Inc.	\$25,648
	4) Fire Hoses (Replacement) Requested by Fire Rescue Services Ten-8 Fire Equipment Inc.	\$26,050
f.	<u>Sole Source</u>	
	1) Access Control System for Fire Rescue Station #3 & #4 Requested by Fire Rescue Services Johnson Controls, Inc.	\$101,662

g. Resolution No. 48-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with the Palm Beach County School Board for the purpose of placing drainage infrastructure in City right-of-way of N.W. 5th Avenue and the El Rio Canal at the entrance to J.C. Mitchell Community School; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 49-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Master Agreement with the State of Florida State Technology Office for the purpose of providing support and backup services in the event of a disaster; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 51-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance, pursuant to the Local Law Enforcement Block Grant Program; authorizing the acceptance of 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

k. Resolution No. 56-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Homeland Security, Office of Domestic Preparedness Assistance to Firefighters Grant Program, for the purchase of a mobile incident management training laboratory; 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

m. Receive and File Election Certifications

1) March 8, 2005 Regular Election

- a) Certification of the election of Steven Abrams (Mayor), Susan Whelchel (Council Seat A) and Peter Baronoff (Council Seat B)

2) Employee Election Certifications

- a) Certification of the election of John Merrell and John Reilly as trustees on the Board of Trustees of the General Employees' Pension Plan for the terms to expire on March 29, 2007 and March 29, 2008, respectively
- b) Certification of the election of Lee Sommer (police officer) and James Muro (firefighter) as trustees on the Board of Trustees of the Police and Firefighters' Retirement System for the terms to expire on March 29, 2007

n. Receive and File Board Orders

Special Master and Code Enforcement

- 1) CEB Case No. SM(G) 96-461
- 2) SM (G) Case No. 96-461
- 3) SM (G) Case No. 04-2421
- 2) SM (C) Case No. 04-00002563
- 5) SM (G) Case No. 94-00003173
- 6) SM (G) Case No. 04-00003751
- 7) SM (C) Case No. 04-00003752
- 8) CEB Case No. 04-00002586

o. Board Resignations

- 1) Resignation of Michael C. Cawley from the Financial Advisory Board

p. Receive and File Board Minutes – March 22, 2005

- 1) Community Appearance Board
January 25, 2005
February 1, 2005
February 8, 2004
February 15, 2005
- 2) Code Enforcement Board
February 17, 2004
- 3) Education Advisory Board
January 24, 2005
- 4) Financial Advisory Board
January 18, 2005
- 5) Historic Preservation Board
January 18, 2005
- 6) Library Advisory Board
January 19, 2005
- 7) Marine Advisory Board
January 5, 2005
February 2, 2005
- 8) North Federal Highway Steering Committee
November 16, 2004
January 14, 2005
February 1, 2005
- 9) Parks and Recreation
February 1, 2005
- 10) Pearl City Blue Ribbon Committee
January 27, 2005
- 11) Physically and Mentally Challenged Advisory Board
February 3, 2005

- 12) Planning and Zoning Board
January 20, 2005
February 3, 2005
- 13) Special Master
July 28, 2004
- 14) Telecommunications Advisory Board
January 3, 2005

3.i. Resolution No. 50-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Service Level Agreement with the State of Florida State Technology Office and the service provider, Sungard Recovery Services LP, for the purpose of disaster recovery services; providing for severability; providing for repealer; providing an effective date

Mayor Abrams recused himself from voting on this item, stating that the law firm he is associated with represented the party to the agreement.

No one from the public wished to comment on this item.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 50-2005. Motion carried 4-0; Deputy Mayor Hager and Council Members Freudenberg, Haynie and Whelchel voting yes.

3.i. Resolution No. 57-2005 (Revised 3/22/05)

A resolution of the City of Boca Raton establishing the A1A Landscape Task Force; providing membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

The City Manager gave the presentation, explaining that the resolution had been revised to reflect the new name, A1A Landscape Task Force, instead of the Beach Advisory Committee. He outlined the mission of the proposed task force, which would focus on seagrape vegetation along A1A, and then reviewed the membership categories. Additional details were provided.

No one from the public wished to comment on this item.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 57-2005, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

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

4. Resolution No. 23-2005

A resolution of the City of Boca Raton granting conditional use approval for a church on a parcel of land located at 1491 Northwest Fourth Avenue, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-04)

Mayor Abrams advised that this was a quasi-judicial matter; 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. Location, acreage, zoning, and land use designation were provided; surrounding properties were identified. Specifically, the petitioner proposed to convert an existing, single-family home for use as a church. The one-story

structure includes a garage, swimming pool, and rear porch. A complete renovation would take place with 731 square feet being added to the structure; vehicular access, pedestrian access, and parking were reviewed. Mr. Annunziato then referred to Condition 6 of the resolution, stating that two conditions were incorporated therein, regarding construction of a six-foot wall along both the western and southern property lines. Traffic impacts included a net increase of 18 daily trips; no roadway improvements were necessary and no technical deviations were required.

The Planning and Zoning Board unanimously recommended approval of the petition with two conditions. The first condition related to construction of a six-foot wall along the southern property line, as previously mentioned; the second condition was a prohibition against using the greeting room as a congregation area. Both conditions were included in the resolution. Mr. Annunziato advised that staff recommended approval of the petition as well and concluded his presentation.

Tom Ekkebus spoke in opposition, citing improper driveway design and inadequate infrastructure for sewer lines, as a septic tank currently exists.

Carolina Galina, spoke on behalf of the petitioner, advising that issues raised by affected neighbors had been addressed and asked that Council pass the proposed resolution.

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

Responding to Council, Mr. Annunziato stated that the City's Traffic Engineer, Douglas Hess, testified at the Planning and Zoning Board hearing that the configuration of the proposed driveway and the existing driveway at the single-family home presented no conflict and would work at that site. Regarding the septic tank issue, Mr. Annunziato indicated that code compliance was obligatory; plans would be reviewed by staff, including Utility Services.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 23-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

5. Resolution No. 40-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Royal Poinciana subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-03-08)

a. Resolution No. 41-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for construction of required improvements with New Century Hidden Valley, LLC, for the purpose of ensuring timely and complete construction of subdivision improvements to Royal Poinciana; providing for severability; providing for repealer; providing an effective date

Planning and Zoning Director Carmen Annunziato gave a joint presentation on the above resolutions. He explained that the proposed development was formerly known as the Hidden Valley Planned Unit Development, which received prior approval from Council in April 2004. A requirement of that approval was that the applicant pursue final platting of the property; if the plat was approved tonight, it would be recorded with the County. Location and a detailed review of the site plan followed. Mr. Annunziato advised that approval of Resolution 41-2005 would authorize execution of the contract for public improvements necessary to build the subdivision and then concluded his presentation.

Jason Mankoff, the attorney representing the petitioner, clarified that 90 units - not 89 - were proposed and then voiced support of the resolutions.

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

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 40-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to adopt Resolution No. 41-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4848

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through a budget amendment, relating to Hurricanes Frances and Jeanne; providing for severability; providing for repealer; providing an effective date

a. Resolution No. 13-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 7 with M.T. Causley, Inc. for the purpose of procuring independent inspector/contractor services for building inspection and plan review services; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown gave a joint presentation on the above ordinance and resolution. He explained that Ordinance No. 4848 recognized additional expenditures from reserves in the General Fund in the amount of \$977,400 for costs related to Hurricanes Frances and Jeanne, including personnel, emergency preparedness, and debris-related costs. Additional revenues and expenditures in the Beach and Park District Fund were recognized in the amount of \$138,300 for hurricane-related costs. Expenditures from reserves in the Golf Course Fund of \$74,600 were also recognized, due to Hurricanes Frances and Jeanne. The total of additional revenues and expenditures of the budget amendment ordinance is \$138,300. Mr. Brown advised that reimbursement from FEMA was currently being sought. He then answered questions from Council related to when reimbursement might be expected and how the FEMA approval process works.

In regard to Resolution No. 13-2005, Mr. Brown advised that this item would allow for additional funding for the contracted building plan review and inspection services that are provided by the Development Services Department. The additional expenditures resulted from staff being diverted from these services for a period of time in order to focus on hurricane damage assessment and recovery efforts, due to Hurricanes Frances and Jeanne. Consequently, staff is behind schedule; these external services would assist staff in catching up.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4848. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 13-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

7. Ordinance No. 4852

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a water and sewer easement, located at 900 South Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-09)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She explained that Council approved various resolutions in November 2002 to provide for new construction and modifications to existing improvements at the Boca Beach Club. Those new and modified improvements interfere with an existing deeded water and sewer easement that was previously granted to the City by Arvida Corporation. Consequently, the petitioner was requesting abandonment of that easement area. Since the easement was used solely for City utilities, only Utility Services and Municipal Services were contacted. They agreed to the abandonment, provided that the petitioner constructed new water and sewer facilities and granted new easements over same. In conclusion, staff recommended approval, subject to the conditions outlined in the ordinance.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4852. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Haynie and Whelchel voting yes. Council Member Freudenberg was not present for the vote.

8. Ordinance No. 4857

An ordinance of the City of Boca Raton amending Section 28-1295, Code of Ordinances, pertaining to accessory buildings; and, amending Section 28-1357 pertaining to movable awnings; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-03)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, explaining that the purpose of these amendments was to update the accessory use and movable awning provisions of the zoning code. These housekeeping measures would: 1) limit the number of permanently affixed accessory buildings to one for each lot, 2) address the location of the accessory uses, 3) limit the eave encroachment into reduced setbacks, 4) address landscaping/recreational accessory structures, and 5) increase the setbacks for movable awnings. The Planning and Zoning Board reviewed this ordinance and unanimously recommended approval, as did Development Services.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4857. Motion carried 4-0; Mayor Abrams, Deputy Mayor Hager, Council Members Haynie and Whelchel voting yes. Council Member Freudenberg was not present for the vote.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 4859

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 9.398 acres, more or less, located at 1601 Clint Moore Road as more specifically described herein, from Light Industrial to Commercial; providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-04-10/SC)

Council Member Whelchel introduced the ordinance.

11. Ordinance No. 4860

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 9.398 acres, more or less, located at 1601 Clint Moore Road, as described more particularly herein, from Light Industrial Research Park to Professional Office and Institutional; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-10/ZC)

Council Member Haynie introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

12. Resolution No. 24-2005

A resolution of the City of Boca Raton amending rates of fare for taxicabs; adopting a maximum fee schedule; providing for severability; providing for repealer; providing an effective date

Ruby Childers, Manager of Administrative Services for Development Services, gave the presentation. She advised that, per City Code, rates of fare for taxicabs are to be established by Council and apply to all certificate holders operating within the City. Currently, there are two cab companies in Boca Raton, Yellow Cab and Metro Taxi. Yellow Cab requested an increase to \$2 initial charge for the first one-eighth mile, 25 cents for each additional one-eighth mile or fraction thereof, and 25 cents for each thirty seconds of in-transit waiting time.

Attention was focused on Exhibits II and III, which reflected a trip cost comparison of City fares and a rate comparison throughout the State for similar areas, respectively. The proposed rates appeared to be consistent with standard industry charges. Ms. Childers advised that it had been more than four years since rates had been increased; prior to that, it was 12 years before there was an increase. Exhibit IV was a cost comparison, which showed significant increases in costs related to maintenance, repairs, and insurance. The applicant, Yellow Cab, advised that the rate increase is necessary in order to sustain operations and provide quality service. Metro Taxi also supported the increase, as did staff. Ms. Childers concluded her presentation and answered questions from Council.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 24-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

13. Resolution No. 53-2005

A resolution of the City of Boca Raton authorizing and directing the City Attorney, on behalf of the City of Boca Raton, to initiate judicial proceedings to abate code violations and a public nuisance at 600 West Palmetto Park Road; providing for severability; providing for repealer; providing an effective date

The City Attorney gave the presentation, saying that passage of this item would assure the authority of the City to enter the above property and abate the nuisance. She advised that the City had endeavored for a long period of time to use code enforcement as a means to abate the public nuisance but the results were disappointing. It was anticipated that this resolution would engender judicial support for the action and ongoing enforcement, that the City might effect a long-term solution to this problem. Ms. Frieser

concluded her comments and answered questions from Council, which focused on why more aggressive action was not being taken. She clarified that, by securing judicial authority in advance to enter the property and abate the nuisance, the City would avoid a potential determination, after the fact, that the City's action was improper. Further discussion revealed that the Palm Beach County Health Department was also involved and on-going City code enforcement liens continue to accrue.

Clem Storch, President of the Royal Oak Hills Homeowners Association, supported taking more aggressive action against the property owner, stating that the City had cited this owner numerous times over the last nine years. He advised that the property constituted a health hazard, due to the trash accumulating on the property and the rats running through it.

Dave Richards, a neighbor living next to the subject property for approximately ten years, pleaded with Council to do something about the property and the property owner, advising that the owner had been arrested several times recently. Mr. Richards stated that this was a matter of public safety and public health and indicated concern for his own safety. Details were provided as to the type of garbage accumulating on the property, organic and otherwise, which resulted in rat infestation. Mr. Richards concluded his remarks by asking that something be done on behalf of the residents living near this property owner.

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

Responding to Council, Development Services Director Jorge Camejo advised that condemnation of the house was discussed with the building official. However, he stated that the City had no evidence to demonstrate that structural issues exist inside of the house. Since earlier discussion revealed that Police Services had pictures of the interior of the house, those pictures would be reviewed and a determination made. The City Attorney and the City Manager then answered questions related to how the City might protect its citizens from this property owner. Ms. Frieser also answered questions regarding eminent domain; discussion followed. Council's consensus was that more aggressive action was warranted.

Responding to Council, the City Attorney modified the language in Resolution No. 53-2005 to be generally consistent with the following: Page 1, Line 12, to read, "...to initiate judicial proceedings for the confirmation of current and ongoing authority to abate code violations...."

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to adopt Resolution No. 53-2005, as revised, and to direct the City Manager to take the following actions: 1) enter the subject property immediately, 2) proceed with the legal action, and 3) return to Council with measures related to eminent domain. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

14. Resolution No. 54-2005

A resolution of the City of Boca Raton authorizing, pursuant to Section 125.01(6)(a), Florida Statutes, a petition to the Board of County Commissioners of Palm Beach County pertaining to the funding of its Countywide dispatch services; providing for severability; providing for repealer; providing an effective date

15. Resolution No. 55-2005

A resolution of the City of Boca Raton stating the City's intent to initiate the conflict resolution procedures of Chapter 164, Florida Statutes, regarding a conflict with Palm Beach County; providing for severability; providing for repealer; providing an effective date

The City Attorney gave a joint presentation on the above resolutions. She explained that Resolution 54-2005 would require the County to respond to the City in 90 days, as to why Countywide ad valorem funds would be used for a common Fire-Rescue dispatch system from which the City would derive no benefit; the City currently has its own Fire-Rescue Services Department, funded through City taxes, which serves the residents of the City of Boca Raton. Ms. Frieser then advised that, per Florida Statutes, in order for

any governmental entity to commence a legal action against another governmental entity, they must first go through the conflict resolution process; this would be initiated through Resolution 55-2005. She added that passage of Resolution 55-2005 would allow the City to move forward with the next steps to address the budgetary disagreement with the County, if adequate resolution to the Countywide dispatch issue is not obtained.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 54-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 55-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

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

16. Resolution No. 52-2005

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b)(1), Code of Ordinances, to construct one (1) additional freestanding sign identifying the occupancy where an approved freestanding sign exists along the same frontage located at 4800 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SCV-05-01)

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

Development Services Planner Daryl Johnson gave the PowerPoint presentation. Zoning, land use designation, acreage, and location were provided. Information regarding the existing sign and frontages were reviewed. Mr. Johnson added that the petitioner had requested the original sign be placed on the face of the glass building; the Community Appearance Board (CAB) denied the request and recommended that the applicant pursue an aesthetically pleasing monument sign. The petitioner was now requesting approval to construct an additional sign, which met City Code requirements, a distance of 330 feet away from the existing sign. The CAB reviewed this application for a variance and unanimously recommended approval with the condition that, prior to issuance of the sign permit, the design of this additional, freestanding sign would be reviewed and approved by the CAB. Staff has determined that unique and special conditions warrant the granting of this variance. In conclusion, staff recommends approval with the CAB's recommendation.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 52-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

17. Naming of the Dog Park

Mr. Ahnell advised that the dog park opened on Saturday, March 19, 2005, and was well attended. He then explained that, earlier in the year, a resident had suggested to Council that the dog park could be named after a retired Police Services' or Fire-Rescue Services' dog. Consequently, the Parks and Recreation Board was directed by Council to reconsider the naming of the dog park, based on that suggestion. However, they did not find that one dog deserved recognition over another dog and suggested that the name be, "The Dog Park at Boca Raton." Discussion and name suggestions followed.

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to temporarily name the dog park, "The Dog Park," and solicit permanent names for the park from schoolchildren. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

18. Emergency Purchases Related to Hurricanes Frances and Jeanne

Mr. Ahnell referred to a memo, previously distributed to Council, and outlined the costs therein, associated with three vendors, who provided a post-storm survey, debris removal, and monitoring of emergency debris removal for the abovementioned hurricanes. He advised that the actual expenditures for these three vendors came to approximately \$217,000 more than what was originally estimated. Additional information was provided to Council, as requested, pertaining to the total cost, identified as \$13 million, where the City stands with FEMA in regard to the reimbursement process, and how much the City could expect to receive. Mr. Ahnell also provided information related to whether private communities would be reimbursed by FEMA for cleanup expenditures they incurred on their own. It was noted that the City would be reimbursed for providing cleanup services in private communities.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie advised that, during Council Member Freudenberg's tenure as a member of the Metropolitan Planning Organization, approximately \$55 million in funding for various projects has been brought home to the City.

Council Member Freudenberg asked that Council bring back the ordinance regarding the Automatic External Defibrillator Program for consideration. He then referred to the recent Tyco meeting, saying that Tyco donated heat-sensing devices to the City's Fire-Rescue Services Department; in addition, Tyco representatives signed a lease to operate for another ten years in the City, and indicated that they wished to be more involved in the community. Mr. Freudenberg also referred to the "lame duck" session of Council, which takes place after the March municipal election, and suggested that it be eliminated. His final comments focused on gratitude for having the opportunity to serve the citizens of Boca Raton.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:47 p.m. on Tuesday, March 22, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk