

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, APRIL 12, 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 Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter Baronoff
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 70-2005 to the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff, Hager and Haynie voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to add Resolution Nos. 68-2005 and 69-2005 for consideration under Part VII – Resolutions and Other Business. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff, Hager and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of March 21, 2005
Minutes of the Regular Meeting of March 22, 2005

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

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Ron Siegel Day – April 12, 2005

Mayor Abrams presented the proclamation to Ron Siegel in recognition of his participation in the “Swim to Key West” competition, sponsored by the City’s Swim Center.

Woodfield Cancer Research Unit Day – April 17, 2005

Mayor Abrams and Council Member Baronoff presented the proclamation to representatives of the Woodfield Cancer Research Unit.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – (3) three vacancies, due to term expirations of Aron Breslow, Rose Lee Archer, and Roslyn K. Rudolph, whose terms expire 04/23/05.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Aron Breslow, Rose Lee Archer, and Roslyn K. Rudolph to the Advisory Board for the Physically and Mentally Challenged. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff, Hager and Haynie voting yes.

Aron Breslow, Rose Lee Archer, and Roslyn K. Rudolph were reappointed to the Board.

- b. Environmental Advisory Board – (2) two vacancies, due to term expirations of Daniel E. Taylor and Donald Stone, whose terms expire 04/30/05.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to reappoint Daniel E. Taylor and Donald Stone to the Environmental Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff, Hager and Haynie voting yes.

Daniel E. Taylor and Donald Stone were reappointed to the Board.

- c. Financial Advisory Board – (1) one vacancy, due to resignation of Michael C. Cawley, whose term expires 08/26/07.

Ed Posner expressed interest in the position.

Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to appoint Ed Posner to the Financial Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff, Hager and Haynie voting yes.

Ed Posner was appointed to the Board.

2. Responses to Workshop Information Requests:

The City Manager advised that answers to questions from yesterday's workshop meeting would be provided in tonight's presentations.

3. Consent Agenda:

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

a. Sealed Bids

- 1) Mobile Wastewater Sludge Dewatering
Requested by Utility Services
Walker Centrifuge Services, L.L.C. \$231,360

- | | | |
|------|---|-----------|
| 2) | Beautification of Yamato Road (Military Trail to I-95) Requested by Recreation Services Landscape Services Professionals, Inc. | \$546,096 |
| 3) | Resource Recovery Services Requested by Municipal Services Recreation Services Sun Recycling, L.L.C. | \$72,750 |
| 4) | Boca Raton Municipal Golf Course Maintenance Building Painting, Waterproofing & Repairs Requested by Recreation Services Worth Contracting, Inc. | \$48,900 |
| 5) | Wash Water Fill Pumps & Motors - Replacement Requested by Utility Services Condo Electric Industrial Supply, Inc. | \$38,500 |
| | | |
| b. | <u>Intergovernmental Agreements</u> | |
| 1) | Toro Reelmaster 6500 - D Turf Mower - Replacement Requested by Recreation Services Wesco Turf Supply, Inc. | \$37,701 |
| 2) | Traffic Video Detection System Installation Requested by Municipal Services Signal Technology, Inc | \$40,142 |
| 3) | Furniture and Filing Systems (New) Requested by Development Services Workscapes South L.L.C. and Tab Products | \$149,505 |
| 4) | Sodium Hypochlorite Requested by Utility Services Allied Universal Corporation | \$40,000 |
| | | |
| c. | <u>Emergency</u> | |
| 1) | Lift Station Repair Services Requested by Utility Services W. Jackson & Sons Construction Co. | \$53,611 |
| 2) | Lift Station Pumps & Control Panel - Replacement Requested by Utility Services Ellis K. Phelps & Company | \$59,704 |
| | | |
| d. | <u>Resolution No. 59-2005</u> | |

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Kimley-Horn and Associates, Inc., for the purpose of providing professional services for transportation engineering; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 60-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Stanley Consultants, Inc., for the purpose of providing professional services for transportation engineering; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 61-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with David Plummer and Associates, Inc., for the purpose of providing professional services for transportation engineering; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 62-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 16 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for storm repair of the Central Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 63-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 17 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the South Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 64-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a subgrant agreement with the State of Florida, State Technology Office, for the purpose of receiving radio communications equipment to improve the capability and coordination of the State of Florida and its local and regional agencies of government to respond to terrorist acts; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 66-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the Palm Beach County Sheriff's Office for formation of a Public Law Enforcement Insurance Combating Auto Theft Task Force; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Orders

Special Master

- 1) Case No. SM(G) 96-461
- 2) SM (G) Case No. 04-502
- 2) SM (C) Case No. 04-00001690
- 5) SM (G) Case No. 05-00000135

I. Receive and File Board Minutes – April 12, 2005

- 1) Community Appearance Board
February 22, 2005
March 1, 2005
March 8, 2005
March 15, 2005
- 2) Citizen's Pedestrian and Bikeway Advisory Board
January 10, 2005
- 3) Environmental Advisory Board
January 20, 2005
- 4) Executive Employees' Retirement Plan
March 16, 2004
May 19, 2004
September 24, 2004
September 28, 2004
November 10, 2004
December 9, 2004
- 5) General Employees' Pension Board
December 9, 2004
- 6) Historic Preservation Board
February 15, 2005
- 7) Library Advisory Board
February 16, 2005
- 8) Planning and Zoning Board
February 17, 2005
- 9) Police and Firefighters' Pension Board
October 28, 2004 (Special Meeting)
October 28,, 2004 (Regular Meeting)
November 18, 2004
December 6, 2004
December 16, 2004
January 31, 2005
- 10) Telecommunications Advisory Board
February 7, 2005

m. Resolution No. 70-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for grants from the State of Florida and the Federal Emergency Management Agency for the Hazard Mitigation Grant Program; 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

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

4. Resolution No. 65-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Calusa Estates subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-10)

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 petition.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. He explained that this item is a condition of a prior approval, associated with a change in land use and zoning, to provide for the Calusa Veterinary Center. Location was then outlined. The plat accommodates two lots - Lot 1 to the west and Lot 2 to the east; details were provided. Mr. Annunziato noted the extension of Lot 2 across the north property line of Lot 1 and south along the west side of Lot 1, terminating in a 10'X10' parcel of land. Due to this confusing layout, he advised that staff could not support the proposed configuration of the plat and recommended that Council reject the tentative plat in its current form. However, staff recommended approval of the resolution, which included language to resolve issues related to the potential for an off-premise sign and a subdivision plat that would not benefit the public; details were provided regarding the issues related to Lot 2. Mr. Annunziato advised that the applicant agreed to the condition in the resolution and concluded his presentation.

Dr. Andrew Turkell made himself available for questions. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 65-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

5. Ordinance No. 4853 (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 1.23 acres, more or less, located at 300 West Yamato Road (NW 51st Street), 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-03-05 SC/ZC/SPA)

6. Ordinance No. 4854

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.23 acres, more or less, located at 300 Yamato Road (NW 51st Street), 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-03-05 SC/ZC/SPA)

7. Ordinance No. 4855

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an Anchor Easement, located at 382 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-12)

8. Ordinance No. 4856

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Utility Easement, located at 300 and 316 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-13)

The public hearing on Item Nos. 5 through 8 were conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4854.

Mayor Abrams advised that a letter had been received from the petitioner, requesting a continuance. As this public hearing was advertised and members of the public were in attendance in order to speak on these petitions, it was determined that an abbreviated presentation would be made and the public hearing opened. After the public hearing was closed, Council would engage in discussion as to whether this matter would be approved, continued, or rejected.

Mayor Abrams stated that quasi-judicial guidelines would be followed; 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. He outlined each of the ordinances and explained what would be accomplished through approval of same. A brief history of this matter revealed two prior continuances; a modified plan was before Council tonight. Acreage and location were reviewed; the site consists of seven lots. Mr. Annunziato advised that staff had concerns about the impact, or incompatibility, of the proposed land use change on neighboring properties; details were provided. This small-scale project, known as Yamato Commons, was addressed for consistency, concurrency and compatibility, as required by the City's Comprehensive Plan. Extensive details were provided in each of these categories.

The proposed site plan included two office buildings for a total of 17,035 square feet, located east and west on the subject parcel. A two-way driveway on Yamato Road would provide access; setbacks were also reviewed. A landscape buffer was proposed to the south; however, a six-foot utility easement is under the proposed buffer and there are overhead power lines, which are problematic. Parking, building height, and elevations were outlined. Recommendations by the Community Appearance Board and the Planning and Zoning Board were also reviewed.

Mr. Annunziato then addressed questions raised at yesterday's workshop meeting. He explained that the increase in trips for the project would be 332 daily trips, based on the plan that previously came before Council. The modified plan reduced the daily trips to 307. Access to the site was then explained in detail with the assistance of aerial photographs. Mr. Annunziato concluded his presentation by stating that staff's recommendation was to deny the request, citing a negative impact on the neighborhoods; the setting of a precedent; incompatibility of the proposed building regarding character and design; reduction of opportunities for moderately-priced housing, and the addition of trips on Yamato Road, which is projected to fail in the future.

Under ex-parte disclosures, Mayor Abrams and Council Member Haynie advised that they both spoke with Mr. Helton; Mayor Abrams also spoke with Jeff Evans. Deputy Mayor Whelchel, Council Members Baronoff and Hager advised that they spoke with the developer and area residents; Council Member Baronoff added that he spoke with Joseph Brinkerhoff.

Mr. Annunziato provided additional information to Council as requested.

Jeff Evans, a land development consultant representing the petitioner, stated that his client had been meeting with the homeowners association for approximately 18 months. He explained that the last of three meetings took place in January, which resulted in a vote by the homeowners association to support the project. Mr. Evans advised that he and his client were surprised by the apparent opposition, which is why a continuance was being requested. He also indicated that statements made in a recent Boca Raton

News article were false and inaccurate. Consequently, he and his client wished to speak with the affected homeowners to express their intent with the project and possibly offer mitigation.

At the request of Council, Mr. Evans then gave a presentation in support of this project. He stated that the property had remained vacant for approximately 50 years and was not conducive to residential for either single-family or multi-family, due to the proximity of Yamato Road. He then spoke to the 25' platted setbacks, which could not be varied, and explained that the residential driveways would be configured in a somewhat convoluted manner. Mr. Evans advised that the developer had spoken with homeowners in the area regarding their proposal and stated that the homeowners had expressed that they did not want multi-family residences. Low intensity, general office space was being proposed; extensive details were provided, as were supporting arguments, for the proposed project. Mr. Evans concluded his comments by stating that the 4,000 square feet of medical would be eliminated; the proposed building would be exclusively general office. He added that this would be a condo office; the space would not be leased but owned. He then answered questions from Council.

Linda Schembri, Charles Helton, Karen Hingson, Earl Hingson, Steve Roth, Dwight Rentler, Mike Kurzara, Gary Turbeville, Diane King, Carmen Lichauco, Fookloy Ford, Jean Minor, and Antonio Seta voiced opposition to the project. George Blank and Julian Rice voiced support.

Harry Zuker, the developer of the Yamato Commons project, gave a presentation and spoke in support of the project, providing extensive details regarding, but not limited to, the design of the building, the developer's intentions, past communications with affected homeowners, and what could be built on the lots in compliance with the current zoning.

Discussion on the part of Council ensued. Mr. Annunziato addressed questions tendered by Council as to what alternative projects would be feasible and whether taxes assessed on the property in question were categorized as residential or commercial; he also clarified that the corrected medical use is comprised of 2,750 square feet. Attention then turned to the possibility of revising the plats.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to continue the public hearing to the City Council meeting of May 10, 2005, with a suggestion to the applicant that, should he not achieve consensus with the homeowners and decide to withdraw, he advise the City of same a week prior to said meeting. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

The meeting was recessed at 8:05 p.m. and reconvened at 8:10 p.m.

9. Ordinance No. 4859 (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 9.398 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)

10. 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)

11. Resolution No. 58-2005

A resolution of the City of Boca Raton granting conditional use approval for laboratories for analysis and research on a parcel of land located at 1601 Clint Moore Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (UC-04-10/CA)

The public hearing on Item Nos. 9 through 11 was conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4860 and Resolution No. 58-2005.

Mayor Abrams stated that quasi-judicial guidelines would be followed; the City Clerk administered the oath to those who indicated they wished to speak on this matter. Under ex-parte disclosures, Mayor Abrams advised that he had already submitted same. Council Member Haynie advised that she had spoken with Richard Brooks. Deputy Mayor Whelchel advised that she spoke with Richard Brooks and people in the audience; Council Members Hager and Baronoff advised that they had spoken with doctors, Richard Brooks, and residents of Broken Sound.

Development Services Senior Planner Jennifer Simon began by answering questions tendered at yesterday's workshop, saying that, other than one tenant in the building, it has remained vacant for approximately two and a half years. The current zoning and land use along Clint Moore Road, west of Military Trail, was also provided. Ms. Simon then gave the PowerPoint presentation.

Acreage, location, current zoning and land use designation for the subject site was provided. The proposal was to rezone the property to Professional Office & Institutional (PO&I) with a proposed future land use designation of Commercial (C). Ms. Simon noted that a conditional use approval is required to permit laboratories for analysis and research in the proposed PO&I zoning district. The site plan provided for two parcels. Parcel I consists of the existing, single-story building, parking, and a water retention area; Parcel II consists of a parking lot. The building was once used for research and development purposes. The petitioner proposed minor modifications to the building's exterior, including a loading area and a mezzanine, which would increase the size of the building to 65,900 square feet. Additional improvements would be made to bring the property into compliance with the City Code. Vehicular access, parking spaces, and trip generations were reviewed. Ms. Simon advised that a technical deviation for a required right-turn lane was also requested, which the City's Traffic Engineer did not support; a condition for same was included in the ordinances and resolution.

A comparison of the maximum intensities allowed under the current and proposed land use and zoning districts followed. A detailed review of the proposed amendment to determine concurrency, compatibility, and consistency with the City's Comprehensive Plan was provided. Ms. Simon advised that, while the proposal met concurrency standards, it was incompatible with surrounding land uses and inconsistent with the goals, objectives, and policies of the Comprehensive Plan. A review for conditional use approval followed. Ms. Simon noted that the petition met six out of ten required standards as outlined in City Code; details were provided. Zoning districts within the City that allow for office and/or related research as permitted uses were reviewed, as were those zoning districts that allow for office and related research as conditional uses.

The Planning and Zoning Board reviewed this project and unanimously recommended denial. Ms. Simon advised that staff had concern over the appropriateness of allowing one property to change to a commercial land use that is surrounded by industrial and manufacturing uses and is located in a district developed for those uses; this could set a precedent and possibly change the character of the area. The most noticeable change would be additional traffic on the roadways. In staff's opinion, a change in the future land use pattern of an established area should be subject to a comprehensive analysis, as opposed to a site-specific one, in order to analyze the impacts to the entire area. Consequently, staff recommended denial of the petition. However, should Council choose to approve same, staff asked that they do so based on conditions listed in the ordinances and resolution.

Dr. Nathan Nachlas, the petitioner, gave a slide presentation and provided statements in support of this project, advising that the location was ideal and would be much easier to access by patients who have difficulty walking. Richard Brooks, the architect, distributed drawings to Council and also spoke in support of the project.

Planning and Zoning Board Chairman Robert Hagerty spoke in opposition to the project, advising that a compelling reason to grant approval did not exist and provided examples of compelling reasons to change the Comprehensive Plan. He agreed that medical use, east of I-95, was in short supply but voiced concern over setting a precedent by changing the LIRP zoning for one site.

Dr. Marc Schlosser, Dr. Betty Tuller, Dr. Tim Valk, Dr. Ira Pardo, Veronica Martinez, Pete Martinez, Michael Mullaugh, President of Broken Sound Homeowners Association, Garry Olah, President of the Preserve Homeowners Association, and David Siegel spoke in support of the project. Ms Martinez also read a letter in support from her husband, Pete Martinez.

There was no cross-examination or rebuttal; the public hearing was then closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to adopt Ordinance No. 4859; Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4860; Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No.58-2005; Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

There were no items for consideration.

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

12. Resolution No. 67-2005

A resolution of the City of Boca Raton authorizing the settlement of a worker's compensation claim for George Goatley, a former Network Crew Member in the Utility Services Department; providing for severability; providing for repealer; providing an effective date

Risk Manager Pam Gardner gave the presentation.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 67-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

There were no items for consideration.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

12.a. Resolution No. 68-2005

A resolution of the City of Boca Raton adopting a condemnation policy for the protection of the residents of the City from continuing and longstanding nuisances; providing for severability; providing for repealer; providing an effective date

The City Attorney explained that this resolution would set a general policy regarding the use of eminent domain and provide the criteria for same; a brief overview of the resolution followed.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt Resolution No. 68-2005; Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

12.b. Resolution No. 69-2005

A resolution of the City of Boca Raton finding that acquisition of private property through negotiated conveyance or eminent domain serves a public purpose and is necessary for abating a continuous and longstanding nuisance; authorizing the City Attorney's office to initiate eminent domain proceedings; authorizing the City Attorney's office to retain expert witnesses and consultants and take further actions that are reasonably required to acquire the property located at 600 West Palmetto Park Road; providing for severability; providing for repealer; providing an effective date

The City Attorney advised that this resolution authorized her office to begin eminent domain proceedings against the property located at 600 West Palmetto Park Road.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Resolution No. 69-2005; Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

13. Metropolitan Planning Organization (MPO) Appointment

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

Council Member Haynie mentioned that, with hurricane season approaching, some residents are purchasing generators, some of which are very large, and placing them in their yards away from the house; she asked that staff determine whether this issue is addressed in the City Code, as neighboring homes are being affected.

Council Member Baronoff asked the City Manager to, 1) create a plan whereby citizens may be educated about taxes, 2) determine how the City responds to developers and streamline the process, and 3) provide a review of the history of the City's millage rates. He then opined that the adjusting journal entry,

mentioned at yesterday's workshop meeting by the KPMG auditor, was handled correctly by the City four years ago, and the City's financial results were appropriately reported.

Deputy Mayor Whelchel asked that the City Manager look into delays related to the City's permitting process. She then advised that she had been approached by both the Chamber of Commerce and the Federation of Homeowners Associations regarding a review of the City's Charter.

Mayor Abrams referred to delays connected with the City's permitting process and advised that this was a structural issue – not a staff issue.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:40 p.m. on Tuesday, April 12, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk