

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 23, 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:

Deputy Mayor Hager 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

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Workshop Meeting of February 7, 2005
Minutes of the Regular Meeting of February 8, 2005

Motion was made by Council Member Freudenberg, 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.

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Presentation by School Board Member Mark Hansen

Mr. Hansen referred to a grant to be used for a bullying prevention program at two City of Boca Raton schools and asked the City to match the funds. He then introduced Dr. Alison Adler, Director of the Safe Schools Center, and Mr. Norman Brickell, of the not-for-profit Rodd D. Brickell Foundation, which proposed to contribute \$5,000 for the program and was also asking the City to match the funds. Dr. Adler and Mr. Brickell provided commentary and responded to questions from Council. Council's consensus was that this worthwhile endeavor would be considered during the City's normal budgeting process wherein a procedure exists for allocating funding to non-profit organizations. Mr. Brickell advised that he would release his funds now to enable the program to begin as soon as possible.

Presenting the Key to the City to Gloria Drummond

Mayor Abrams and Deputy Mayor Hager presented long-time resident Gloria Drummond, the driving force behind the formation of the Boca Raton Community Hospital and the Debbie-Rand Memorial Service League, with the Key to the City in recognition and appreciation of her many contributions to the City.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Marine Advisory Board – (2) two vacancies, due to term expirations of Will Mercier (Recreational Boater) and Gene Folden (Single Family-adjacent Inland Waterway), whose terms expire 03/20/05.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to reappoint Gene Folden to the Marine Advisory Board in the category of Single Family-adjacent Inland Waterway. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Folden was appointed to the Board.

In the category of Recreational Boater, Deputy Mayor Hager nominated Will Mercier and Council Member Haynie nominated Michael Rothman. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Hager, and Council Member Whelchel voted for Mr. Mercier. Council Members Freudenberg and Haynie voted for Mr. Rothman.

Mr. Mercier was reappointed to the Marine Advisory Board in the category of Recreational Boater.

- b. Special Master - (1) one vacancy, due to the resignation of Richard Gescheidt, whose term expires 03/21/06.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to appoint Michael Gelfand as a Special Master to finish the term expiring 03/21/06. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. Gelfand was appointed as Special Master.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.b.2. – Mizner Park Property Maintenance) An e-mail was provided. Mr. Ahnell explained that this item was not re-bid since it was a request for a six-month extension of the existing contract; it will be re-bid in six months. He added that there was an increase of approximately \$8,000, due to the escalation of pruning costs since the hurricanes last season.

(Consent Agenda Item 3.o. – Resolution No. 36-2005 / Cooperative Research Agreement with the University of Central Florida for participation in the Florida Information Network for Data Exchange and Retrieval program) An e-mail was provided. Mr. Ahnell stated that this item would allow all police agencies in the state to have a standardized, localized database that would provide information related to trends in surrounding communities and answer queries about individuals, vehicles, and tags, negating the need for multiple phone calls. The City Manager mentioned that a national system is in place; however, it provides BOLO (Be On the Lookout) information and is not as comprehensive a database as the one for the State of Florida.

(Traffic Signal: Jog Road at the entrance to Boca West) A memo was provided. Mr. Ahnell explained that operation of this signal was transferred to the City in August of last year as part of a group of signals taken over from the County, by the City, in order to better control and regulate traffic.

Mayor Abrams questioned when the City's traffic signals would be fully synchronized. Mr. Ahnell advised that the delay resulted from the controllers that are found in the boxes, which control the traffic signals; they have been on back order due to the significant hurricane damage sustained throughout the state. Upon receipt of the controllers, they will be installed and timing and synchronization of the signals will begin. The City Manager went on to caution Council that, while fully synchronized traffic signals will help ease some of the traffic, there are simply not enough lanes to handle the volume of traffic on the roads.

3. Consent Agenda:

Responding to Council, the City Attorney explained that the revision made to Resolution No. 32-2005 (Consent Agenda Item 3.k.), would include language in the agreement related to property insurance. She added that staff had reviewed this issue and believes that, as this pertained to a commercial adjacent property, the insurance could be secured.

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

a. Sealed Bid

1)	Dog Park, Phase II Requested by Recreation Services Weekley Asphalt Paving, Inc.	\$79,449
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b. Competitive Sealed Proposal - Renewals

1)	Printing and Distribution of the Recreator Requested by Recreation Services Sun Sentinel Direct	\$91,588
2)	Competitive Sealed Proposal Mizner Park Property Maintenance Requested by Recreation Services Rouse Property Management, Inc.	\$260,159

c. Sealed Bid - Renewals

1)	Landscape Maintenance Services for North Section Requested by Recreation Services Superior Landscaping & Lawn Service, Inc.	\$91,045
2)	Landscape Maintenance Services for Central Section Requested by Recreation Services Lucky Lawns, Inc.	\$183,952
3)	Landscape Maintenance Services for Downtown Section Requested by Recreation Services Lucky Lawns, Inc.	\$154,220
4)	Landscape Maintenance Services for East Section Requested by Recreation Services Lucky Lawns, Inc.	\$91,045
5)	Landscape Maintenance Services for South Section Requested by Recreation Services Superior Landscaping & Lawn Service, Inc.	\$193,715

- d. Intergovernmental Agreements
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| 1) | Sodium Hydroxide
Requested by Utility Services
Allied Universal Corp. | \$85,120 |
| 2) | Light Bars and Sirens
Requested by Municipal Services
Law Enforcement Supply Company | \$32,771 |
| 3) | Toro Workman Sprayer
Requested by Recreation Services
Wesco Turf Supply, Inc. | \$28,465 |

- e. Sole Source
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| 1) | Mobile Litter Control Vacuum System
Requested by Municipal Services
Florida Municipal Equipment, Inc. | \$34,834 |
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- f. Change Order
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| 1) | Wastewater Sludge Polymer
Change Order #1
Requested by Utility Services
Polydyne Inc. | \$36,795 |
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- g. Resolution No. 28-2005
- A resolution of the City of Boca Raton authorizing the Mayor and the City Clerk to execute a Subaqueous Permit Agreement with the Lake Worth Drainage District for the purpose of constructing a 16" water main and a 16" reclaimed water main under the L-43 Canal right-of-way; providing for severability; providing for repealer; providing an effective date

- h. Resolution No. 29-2005
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Subaqueous Permit Agreement with the Lake Worth Drainage District for the purpose of constructing a 16" water main and a 16" reclaimed water main under the E-3 1/2 Canal right-of-way; providing for severability; providing for repealer; providing an effective date

- i. Resolution No. 30-2005
- A resolution of the City of Boca Raton approving and accepting an easement deed from Florida Power & Light Company, over certain lands located between the Lake Worth Drainage District (LWDD) E 3 1/2 Canal and the CSX Railroad right-of-way, south of N.W. Spanish River Boulevard; providing for severability; providing for repealer; providing an effective date

- j. Resolution No. 31-2005
- A resolution of the City of Boca Raton approving and accepting an easement deed from Knight Commerce Centre, Inc., over certain lands located at 8081 North Congress Avenue; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 32-2005 (Revised)

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with City National Bank of Florida and UVA Construction Co., Inc. for the purpose of placing sixteen (16) Mahogany Trees in City right-of-way of S.W. 1st Street between S.W. 3rd Avenue and S.W. 4th Avenue; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 33-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute a Subgrant Agreement with the Broward County Sheriff's Office for the purpose of receiving a robot to be utilized by the Police Department's Bomb Squad; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 34-2005

A resolution of the City of Boca Raton approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County, for certain roadways located within the limits of the annexation area of the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 35-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Justice for a Senior Outreach 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

o. Resolution No. 36-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Cooperative Research Agreement with the University of Central Florida for participation in the Florida Information Network for Data Exchange and Retrieval program; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 37-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Marbella Condominium Association, Inc. and The Beresford, Inc. for the purpose of providing boat dockage for City usage; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 38-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Justice, Bureau of Justice Assistance, pursuant to the Gang Resistance Education and Training 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

r. Resignation

- 1) Resignation of Cleveland Peoples from the Education Advisory Board

s. Receive and File Board Minutes – February 23, 2005

- 1) Community Appearance Board
January 18, 2005
- 2) Education Advisory Board
November 15, 2004
- 3) Environmental Advisory Board
December 16, 2004
- 4) Parks and Recreation
January 4, 2005
- 5) Pearl City Blue Ribbon Committee
November 18, 2004
- 6) Physically and Mentally Challenged Advisory Board
January 6, 2005
- 7) Planning and Zoning Board
January 6, 2005
- 8) Special Master
January 12, 2005

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

4. Resolution No. 21-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed MFAR Plaza subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-09)

Mayor Abrams advised that quasi-judicial procedures would be followed for this public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. Location, acreage, zoning, and land use designation was reviewed. He explained that site plan approval was given to this project, located at 4000 North Federal Highway, in August 2004 by the Planning and Zoning Board; details were provided and parking requirements were outlined for the approved uses. Mr. Johnson then stated that a condition of the approval required that the petitioner obtain final plat approval from Council, prior to the issuance of a Certificate of Occupancy and advised that the subject plat would create Parcel B, comprised of a retail building and surrounding parking area. The subject plat also provided a boundary survey of the property and all required easements, including the bus rider shelter easement. The Planning and Zoning Board reviewed, and unanimously recommended approval of, this tentative plat in January 2005; staff also recommended approval with the conditions outlined in the resolution. Mr. Johnson then answered questions from Council; Council Member Freudenberg voiced concern over the adequacy of the parking.

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

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 21-2005. Motion carried 4-1; Mayor Abrams, Deputy Mayor Hager, Council Members Haynie and Whelchel voting yes. Council Member Freudenberg voted no.

5. Resolution No. 22-2005

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

Mayor Abrams advised that quasi-judicial procedures would be followed for this public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. He reviewed the acreage and location for the proposed medical office building and advised that a condition of the universal conditional approval, previously granted, required a final plat; details were provided. Mr. Kerr stated that all conditions relating to final plat requirements in the tentative plat approval were satisfied; he then recommended approval of this item.

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

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 22-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Equalizing Resolution No. 03-E

A resolution of the City of Boca Raton City Council sitting as a Board of Equalization; adjusting, equalizing, adopting and confirming the special assessment roll for the construction of a wastewater collection system and other improvements in an area generally known as Area II, as more particularly described herein; providing for severability; providing for repealer; providing an effective date

Utility Services Director Chris Helfrich gave the PowerPoint presentation. He explained that Area II was the second of a series of projects to provide central sewer and wastewater collection throughout the City. Location and acreage were then reviewed. The project, itself, would involve installation of a sanitary sewer collection system, rehabilitation of the water lines, installation of stormwater lines, and roadway improvements. Costs and funding sources were outlined; the total cost would be \$2.4 million and, of that, \$194,000 would be assessed. Rules governing the assessment were also identified. Mr. Helfrich advised that the assessment was based on a per acre use and would be assessed over a five-year period at 3% interest, which would translate into an annual fee of approximately \$3,590 per acre, per year, for a commercial property. Impact fees, based on the water meter size, would be approximately \$4,100; plumber's connection fees and costs would be approximately \$1,500 to \$2,500; and a wastewater fee of approximately \$50 would be reflected on each bi-monthly utility bill. The project was scheduled for completion in May 2006; meetings would be held with affected businesses to discuss traffic issues during construction. Mr. Helfrich advised that staff would come before the Board again for the final equalization and concluded his presentation.

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

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to adopt Equalizing Resolution No. 03-E. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

7. Ordinance No. 4841 (Continued from the February 8, 2005 meeting.)

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency ("CRA") pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. ("Tenant"); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant ("Amended and Restated Lease Agreement"); providing for severability; providing for repealer; providing an effective date

Development Services Director Jorge Camejo explained that any disposition of property by the CRA that includes commercial uses must be authorized by the City Council. He referred to yesterday's CRA meeting, which included consideration of a resolution for disposition of the subject Cartoon Museum building, and then gave the floor to the City Attorney that she might review the proposed revisions to the documents, in order to be consistent with the language that came forth at yesterday's meeting.

Ms. Frieser distributed copies of the revisions to the instruments that they might be consistent with what was approved yesterday by the CRA. She then mentioned that the ordinance was listed as, "Second Revised," simply because the CRA voting block was inadvertently included in the original document.

The public hearing was opened. Dr. Rose Gatens, Director of the Center for Holocaust and Human Rights Education at Florida Atlantic University, advocated LEAH (League for Educational Awareness of the Holocaust) as a potential tenant to fulfill the cultural arts use requirement attached to the property. The City Attorney advised that, upon approval of this ordinance, requests for occupancy would be directed to the Mizner Park Cultural Arts Association, as the exclusive tenant. They would have the exclusive right to establish sub-tenancies; neither the City nor the CRA would have the ability to do so.

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

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4841, Second Revised, as amended and revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mayor Abrams advised that the signing of the ordinance would take place tomorrow at the Cartoon Museum site and invited everyone to attend.

8. Ordinance No. 4845

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.61 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from Residential Medium (RM) to Conservation (N); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-13)

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, advising that this item related to an environmental preserve, located within the Fairfield Gardens Planned Unit Development (PUD). Ms. Simon stated that the proposed change in land use was a condition of approval for the Fairfield Gardens PUD. A Comprehensive Plan amendment for a Conservation land use designation requires an analysis of the natural and historic resources of the preserve. The result of the analysis performed found that the entire property consists of approximately 1.41 acres of pine flatwoods, 0.5 acres of coastal scrub, and two active Gopher Tortoise burrows; additional details were provided. The Planning and Zoning Board reviewed this petition in December 2004 and recommended approval. Staff also recommended approval, finding the change in land use to be consistent with the City's Comprehensive Plan. In addition, the land use change would ensure preservation of this natural area.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4845. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

9. Ordinance No. 4846

An ordinance of the City of Boca Raton amending the Fiscal Year 2004-2005 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. She explained that the First Quarterly Budget Amendment would amend the 2004 budget by recognizing additional revenues and expenditures in the General Fund, the Greater Boca Raton Beach & Park District, the Capital Improvements Program Fund, and the Motor Pool Fund, and funding from reserves in the Land Dedication Fund and the Water/Sewer Operating Fund, for a grand total of \$711,800. Ms. Davidson 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 Ordinance No. 4846. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

10. Ordinance No. 4847

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

Office of Management and Budget Director Linda Davidson gave the presentation. She stated that this item was a budget amendment ordinance related to annexation and then drew attention to a revised memo, distributed at the dais, which showed a corrected expenditure amount of \$1,702,900 for providing services to the newly-annexed areas of the City. Ms. Davidson advised that this amendment would recognize additional revenues and expenditures in the General Fund, the Beautification Fund, the ROW Beautification Fund, the Capital Improvement Program Fund, the Stormwater Utility Fund, the Information Technology Fund, the Motor Pool Fund, and the Group Medical Self Insurance Fund, and a reduction in the Water/Sewer Operating Fund, for a total of \$1,030,100. Ms. Davidson concluded her presentation and answered questions from Council. Responding to Council, Mr. Ahnell explained the reduction, saying that the first year, the City spends funds immediately to provide services to the newly-annexed areas and does not collect the full amount of revenues until the second year; additional details were provided.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4847. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

11. Ordinance No. 4849

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: The School District of Palm Beach County Six Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation, stating that, per Florida Statutes, the City is required to update and amend projects in the Capital Improvement Element of the Comprehensive Plan. This is necessary for the City to continue to meet its adopted level-of-service standards as adopted in the Capital Improvement Program and to include any updates provided by the Palm Beach County School District.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4849. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

12. Ordinance No. 4850

An ordinance of the City of Boca Raton relating to the review of development plans; revising various sections of the Code of Ordinances to provide for the review of development plans by the City staff and to provide for the inclusion of a fee for such services in the Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-04-02)

Planning and Zoning Director Carmen Annunziato gave a brief presentation, stating that these Code amendments would update and revise several sections of the City Code. These housekeeping measures would serve to correct deficiencies, update references, and codify user fee charges; no new charges or fees were proposed. The Planning and Zoning Board reviewed this item and recommended approval, as did staff.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4850. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

13. Ordinance No. 4851

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Lease Agreement with Tri-County Humane Society, Inc., for the City-owned property at 21287 Boca Rio Road and adjacent property; requiring as a condition of such Lease Agreement the assignment to Tri-County Humane Society, Inc. of a lease from Palm Beach County, Florida for such adjacent property; providing for the termination of the Turnkey Operations and Maintenance Agreement between the City and Tri-County Humane Society; providing for severability; providing for repealer; providing an effective date

Deputy City Manager George Brown gave the PowerPoint presentation, outlining both the location and the acreage. Mr. Brown explained that the Tri-County Humane Society was requesting a long-term lease from the City, which would constitute a sale of City-owned property, to reassure financial contributors of the long-term viability of the organization and to provide for facility improvements and expansion of services; the terms and conditions of the lease were then reviewed in detail, as were the obligations of the Tri-County Humane Society.

Associated with the subject property is a bird sanctuary parcel, which the City currently leases from the County; the lease for the parcel cannot be assigned without the County's approval. Mr. Brown stated that the lease assignment is required and it must be assigned by March 1, 2006. Upon adoption of the ordinance, assignment approval would be requested from the County; County staff indicated that they looked forward to receiving the request for processing. Mr. Brown added that the bird sanctuary is of no direct benefit to the City, except as a buffer to the animal shelter parcel.

The Planning and Zoning Board reviewed this petition and recommended approval, as did staff. Should the ordinance be adopted, the next steps would be to obtain the assignment for the bird sanctuary lease, have the City Manager sign the Memorandum of Effective Date of Lease, and the lease would then become effective. Mr. Brown concluded his presentation and answered questions from Council.

Peter Baronoff voiced support of the ordinance. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4851. Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

14. 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

The ordinance was introduced by Council Member Freudenberg.

15. 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)

The ordinance was introduced by Council Member Haynie.

16. Ordinance No. 4853

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)

The ordinance was introduced by Council Member Haynie.

17. 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)

The ordinance was introduced by Council Member Haynie.

18. 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)

The ordinance was introduced by Council Member Freudenberg.

19. 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 ordinance was introduced by Council Member Freudenberg.

20. 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)

The ordinance was introduced by Council Member Haynie.

21. Ordinance No. 4858

An ordinance of the City of Boca Raton amending Article V, of Chapter 7, Code of Ordinances, relating to the Community Automatic External Defibrillator Program; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Emily Fishbein, a resident of The Jefferson condominium, located on Camino Real, referred to the continual late-night noise and music coming from The Addison restaurant, located across the street from The Jefferson, and asked Council to establish a curfew for weekdays.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

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:

Council Member Whelchel spoke to the re-dedication of Hughes Park, which took place earlier today, and provided positive commentary on the event and the partnership between the City, the neighborhoods, and property owners, to beautify the park.

Deputy Mayor Hager reminded those present that the City's new membrane-softening water treatment facility dedication was scheduled for Saturday, February 26, 2005, at 10:00 a.m.

Council Member Haynie commented on emails received regarding the condition of the Lions Club in the neighborhood of NW 35th Street and asked the City Manager to follow up on same; Mr. Ahnell advised that Code Enforcement is aware of the situation and an update would be forthcoming. Ms. Haynie then mentioned that she would be leaving for Tallahassee tomorrow, to continue her work on the Florida Transportation Plan, and would not be present at the ordinance signing ceremony for the Cartoon Museum building.

ADJOURNMENT:

Motion was made by Council Member Freudenberg, 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 7:35 p.m. on Wednesday, February 23, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk