

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, SEPTEMBER 10, 2002  
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

**INVOCATION:**

The invocation was given by Council Member Freudenberg.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Haynie  
Council Member Dave Freudenberg  
Council Member Bill Hager

Council Member Carol Hanson was absent (excused).

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to add Resolution No. 158-2002 as Item 3.f. on the Consent Agenda. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

**PROCLAMATIONS:**

Leukemia & Lymphoma Awareness Month – September 2002

No one was present to receive the proclamation.

**AWARDS/RECOGNITIONS:**

Boca Raton Ocean Rescue

Recreation Services Director Mickey Gomez recognized the members of Boca Raton Ocean Rescue for their accomplishment in placing first in the USLA National Lifeguard Championship.

**MINUTES:**

Minutes of the Regular Workshop Meeting of August 26, 2002  
Minutes of the Special Meeting of August 26, 2002  
Minutes of the Regular Meeting of August 27, 2002

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

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Code Enforcement Board – four (4) vacancies, due to term expirations of Ron Peasley, Donald Munksgaard, Jack Wall, and Ben Kennedy, Jr., whose terms expire 09/25/02.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to reappoint Ron Peasley and Jack Wall to the Code Enforcement Board. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

Messrs. Peasley and Wall were reappointed to the Code Enforcement Board.

- b. Community Appearance Board – five (5) vacancies, due to term expirations of J. Patrick Lynch, Joe Peterson, A. Grant Thornbrough, Patricia Ternus Anderson, and Larry Cellon, whose terms expire 09/20/02.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to reappoint J. Patrick Lynch, Joe Peterson, A. Grant Thornbrough, and Larry Cellon to the Community Appearance Board. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

Messrs. Lynch, Peterson, Thornbrough, and Cellon were reappointed to the Community Appearance Board.

2. Responses to Workshop Information Requests: The City Manager reviewed the following:

(Consent Agenda Item No. 3.c.1. – Video Detection System) A memo was provided clarifying that the system is for the intersection of Camino Real and South Dixie Highway and the intersection of Camino Real and SW 2<sup>nd</sup> Avenue.

(Consent Agenda Item No. 3.d – Resolution No. 155-2002 / Traffic Signal Maintenance and Compensation Agreement with FDOT) A memo was provided. Mr. Ahnell explained that compensation to the City was prorated for the first year. FDOT would then increase compensation incrementally over the next four years. At that point, the rate will increase by 3% annually from FY 2007/2008 to account for inflation.

3. Consent Agenda:

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

a. Sealed Bid

- 1) Oak Circle Drainage Improvements  
Requested by Municipal Services  
Asphalt Consultants, Inc. \$206,532
- 2) Interior Renovations to Boca Raton  
Police Services Department  
Requested by Police Services  
Engineered Environments, Inc. \$102,734

b. Intergovernmental Agreement

- |    |  |          |
|----|--|----------|
| 1) | Fiber Optic Supply and Installation<br>Requested by Municipal Services<br>Precision Contracting Services                                   | \$56,131 |
| 2) | Firearms Simulator for System Based Training<br>Requested by Police Services<br>Florida Counter-Drug Procurement Program<br>(Section 1122) | \$57,615 |

c. Sole Source

- |    |  |          |
|----|--|----------|
| 1) | Video Detection System<br>Requested by Municipal Services<br>Megan South, Inc. | \$39,048 |
|----|--|----------|

d. Resolution No. 155-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a traffic signal maintenance and compensation agreement with the State of Florida Department of Transportation; providing for severability; providing for repealer; providing an effective date

e. Receive and File Board Minutes – September 9, 2002

- 1) Builders' Board of Adjustment and Appeals  
May 6, 2002
- 2) Code Enforcement Board  
May 21, 2002
- 3) Community Appearance Board  
July 23, 2002  
July 30, 2002  
August 6, 2002
- 4) Community Relations Board  
May 20, 2002
- 5) Downtown Visions Committee  
June 5, 2002
- 6) Environmental Advisory Board  
July 18, 2002
- 7) Financial Advisory Board  
July 29, 2002
- 8) General Employees' Pension Board  
July 3, 2002
- 9) Historic Preservation Board  
May 21, 2002
- 10) Library Advisory Board  
June 19, 2002

- 11) Marine Advisory Board  
July 10, 2002
- 12) Parks and Recreation Board  
July 2, 2002
- 13) Physically and Mentally Challenged Advisory Board  
July 11, 2002
- 14) Planning Unit Development Sub-committee  
July 25, 2002
- 15) Special Master  
July 10, 2002
- 16) Telecommunications Advisory Board  
July 1, 2002

f. Resolution No. 158-2002

A resolution of the City of Boca Raton authorizing the Mayor to execute applications for grants from the State of Florida and the Federal Emergency Management Agency (FEMA) for the Joint Hazard Mitigation Grant Program (HMGP); authorizing the acceptance of said grants, if awarded; authorizing the expenditure of matching funds for said grants, if awarded; authorizing and directing the City manager to comply with the terms and conditions of said grants, if awarded; providing for severability; providing for repealer; providing an effective date

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

There were no quasi-judicial public hearings.

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

4. Ordinance No. 4668

An ordinance amending Section 2-285.1, Code of Ordinances, to provide that one member of the Telecommunications Advisory Board shall be the Executive Director of Boca Raton Educational Television, Inc. and such member shall not be required to be a resident of the City; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that the proposed ordinance would provide that the Executive Director of Boca Raton Educational Television, Inc. would serve as a member of the Telecommunications Advisory Board. In addition, the Executive Director would not be required to be a resident of the City.

No one came forward to speak at the public hearing.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager to adopt Ordinance No. 4668. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to appoint David Schmidt, Executive Director of Boca Raton Educational Television, Inc., to the Telecommunications Advisory Board. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

5. Ordinance No. 4669

An ordinance of the City of Boca Raton amending the Fiscal Year 2001-2002 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing for codification; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. She referred to her memo, dated September 10, 2002, regarding the above ordinance and provided information relating to revenues and expenditures in various funds. Ms. Davidson offered additional details in support of the figures listed and stated that the grand total of additional revenues and expenditures for the Third Quarterly Budget Amendment Ordinance is \$6,689,800. She then answered questions from Council.

No one came forward to speak at the public hearing.

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4669. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

**REGULAR BUSINESS – PART IV – SETTLEMENTS**

6. Settlement of Liability Claim  
Case No. AL97-0015-FR

Risk Manager Pam Gardner presented the recommendation for settlement and provided additional information to Council, as requested.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to approve the City Manager's recommendation for settlement. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

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

7. Ordinance No. 4672

An ordinance of the City of Boca Raton amending Section 23-116, Code of Ordinances, to provide for an increase in the Land Dedication Fee; providing for an automatic annual adjustment in the Land Dedication Fee; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

8. Ordinance No. 4673

An ordinance of the City of Boca Raton providing for the vacation and abandonment of Special Purpose Utility Easements, located at 131 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-02)

The ordinance was introduced by Deputy Mayor Haynie.

9. Ordinance No. 4667

An ordinance of the City of Boca Raton relating to water, sewer, and reclaimed water fees, rates and charges, and impact fees for new water and sewer services; amending Sections 17-45, 17-83, 17-84, 17-161, and 17-206, Code of Ordinances, to delete the fees, rates and charges set forth in said sections and to provide that said fees, rates and charges be set forth in the Boca Raton Water and Sewer Fee Schedule and to eliminate the automatic annual increases to the

water and sewer impact fees; repealing Section 17-10, Code of Ordinances, to remove the requirement to provide bacteriological and chemical laboratory services; creating Section 17-58, Code of Ordinances, to provide the establishment of a fee for the relocation of a water service line when requested by a customer; creating a new Subsection 17-6(6), Code of Ordinances, to provide for fees for obtaining and renewing fire hydrant meter permits; providing for codification; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Hager.

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

No one wished to speak under public requests.

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

10. Resolution No. 156-2002

A resolution of the City of Boca Raton adopting a conceptual development plan for the Boca Technology site; providing for severability; providing for repealer; providing an effective date

Parks and Recreation Services Director Mickey Gomez gave a brief review of the information provided at yesterday's workshop by the chairman of the Parks and Recreation Board. He reiterated the priorities outlined in the workshop and explained that land-use components, such as open space for picnicking, pedestrian walkways and transition areas, and water elements, should also be incorporated in the overall plan. Mr. Gomez concluded his comments by referring to the recommendations made by the Parks and Recreation Board for continuing the planning/development process.

Mayor Abrams opened the floor for public comment. No one came forward to speak.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Resolution No. 156-2002.*

*Motion was made by Mayor Abrams, seconded by Council Member Freudenberg, to amend Resolution No. 156-2002, as follows: Page 2, Line 5, to read, "...adopted with the following possible land uses:..." and Page 2, Line 8, to read, "...and Transition Areas and any accessory uses shall be incorporated....." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

*The vote on Resolution No. 156-2002, as amended, carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

**REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE:**

11. Resolution No. 157-2002

A resolution of the City of Boca Raton granting the request from Michael Sneiderman for variances to construct two additional real estate signs and provide for eight additional square feet of sign face area for the one permitted and the two requested real estate signs at Royal Palm Plaza, 194 S.E. 1<sup>st</sup> Avenue; providing for severability; providing for repealer; providing an effective date (SCV-02-01)

Development Services Director Jorge Camejo gave the PowerPoint presentation. He explained that the Community Appearance Board (CAB) had reviewed this case and recommended approval with three conditions. The petitioner was present and agreed to the conditions as presented by the CAB.

Mayor Abrams opened the floor for public comment. No one came forward to speak.

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 157-2002. Motion carried 4-0; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

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

#### National League of Cities

Mr. Ahnell explained that the next meeting would take place on December 7, 2002, in Salt Lake City, Utah; his office would take care of the arrangements, should any Council Member express interest in attending.

#### Tri-Rail

Per Council's direction at yesterday's workshop, Mr. Ahnell brought forward a draft letter, addressed to Michael D. Masanoff, Chairman of the Tri-County Commuter Rail Authority, outlining the City's position in regard to a Boca Raton station. The letter states that a tremendous opportunity exists to create an intermodal transportation hub, preferably at the Boca Tech site, which would serve FAU, Lynn University, Palm Beach Community College, Arvida Park of Commerce, the T-Rex property, and regional shopping areas. Consequently, the letter reflects a request by Council asking that Tri-Rail delay development of a station at Congress Avenue. Council's opposition to the proposed Glades Road site is also delineated for several reasons, including the exacerbation of already-severe traffic on Glades Road.

Upon review of the letter, Deputy Mayor Haynie suggested that access to the airport be included as a property that would be served by a Boca Tech station. Mr. Ahnell was directed by Council to prepare a final draft, including Ms. Haynie's suggestion, for the Mayor's signature.

#### Conceptual Plan for Boca Tech

The City Manager explained that development of the Boca Tech site would be long and costly. Although a master plan has not yet been officially adopted, potential funding for some components of the plan currently exists. Mr. Ahnell asked Council for the authority to pursue these opportunities, such as public/private partnerships and interlocal agreements for joint use facilities, to begin moving development of the site forward.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Haynie, to adopt the City Manager's recommendation to provide the City Manager with authorization to begin conceptual development and pursuit of the opportunities as listed in the resolution adopted for the conceptual plan, specifically, the golf-training facility, the police/fire training facilities, and joint-use fields. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

### **CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

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

Deputy Mayor Haynie referred to the annexation study and mentioned that a billboard, located at Butts Road, is in one of the proposed areas. She questioned disposition of the billboard, should annexation take place. The City Attorney explained that an investigation would take place to determine whether the sign is legal and was code-compliant upon installation; code violations would also be researched. If all were in order, then further review would be conducted upon the assertion of non-conforming rights. Ms. Frieser concluded by providing additional information regarding amortization.

Mayor Abrams referred to a letter he received yesterday from the Commission for Accreditation of Law Enforcement Agencies, which stated that the Boca Raton Police Department had been re-accredited. In order to achieve this, the Police Services Department had to meet or exceed 443 standards. The Mayor acknowledged the Police Services Department for this accomplishment.

Mayor Abrams reminded everyone that the Governor extended poll hours for voters from 7:00 p.m. until 9:00 p.m. this evening.

Mayor Abrams also reminded those present that the City would hold a commemorative service tomorrow night at 7:00 p.m. in Sanborn Square on Federal Highway to honor and remember those lost in the attacks of September 11, 2001. Everyone is invited to attend.

Council Member Freudenberg applauded the efforts and leadership provided by Mayor Abrams over the last year.

**ADJOURNMENT:**

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:48 p.m. on September 10, 2002.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk