

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, DECEMBER 13, 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 Baronoff gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

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

Also attending the meeting were:

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

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to amend the agenda to remove Item No. 3.i. (Resolution No. 213-2005) from the Consent Agenda; to revise Consent Agenda Item Nos. 3.n. and 3.o. – Resolution Nos. 219-2005 and 220-2005, respectively; and to add Ordinance Nos. 4913 and 4914 under “Part V – Introduction of Ordinances.” Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

**MINUTES:**

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

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

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

Presentation - Bicycle Friendly Community Award – League of American Bicyclists

Several representatives from the League of American Bicyclists spoke, commending the City for being recognized once again as a Bicycle Friendly Community.

Presentation - Holiday Ornament – Boca Raton Garden Club

A member of the Boca Raton Garden Club presented this year's commemorative holiday ornament to Mayor Abrams, who accepted same on behalf of the City.

Proclamation – Morgan Pressel Day – December 13, 2005

Boca Raton resident, Morgan Pressel, a young, professional golfer, who has placed in several competitions, accepted the proclamation.

Proclamation – Kiryat Bialik – December 23, 2005

Representatives from the Israeli city of Kiryat Bialik, touring the City of Boca Raton, accepted the proclamation.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Builders' Board of Adjustment & Appeals – one (1) vacancy for an electrical contractor, term to expire 02/15/09.

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – three (3) vacancies, two due to term expirations of Jason S. Mankoff and Ed Rowan, whose terms expire 01/12/06, and one due to resignation of Anita Pearson, whose term expires 01/12/07.

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to reappoint Ed Rowan to the Citizens' Pedestrian and Bikeway Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Rowan was reappointed to the Board.

- c. Civil Service Board – one (1) vacancy to complete the term expiring 11/01/07.

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

Mr. Goldsmith was appointed to the Board.

- d. Community Relations Board – one (1) vacancy for a former student position, term to expire 07/25/07.

There were no applicants.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.c.1. – ESRI Software Maintenance) A memorandum was provided. The City Manager explained that this software is the “backbone” of the Geographic Information System (GIS), which is utilized by many City departments for various applications including, but not limited to, maps, atlases, the Boca Land Information System website, and water/sewer infrastructure locations.

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item; no one came forward to speak.

*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, Council Members Baronoff, Hager and Haynie voting yes.*

a.	<u>Sealed Bids</u>	
	1) Exterior & Interior Painting of City Facilities Requested by Municipal Services Roof Painting by Hartzell Inc.	\$51,811
	2) Coagulant Aid Requested by Utility Services Generic International Chemicals	\$112,785
b.	<u>Intergovernmental Agreements</u>	
	1) Furniture Requested by Recreation Services Workscapes South LCC	\$32,305
	2) AS400 Software & Hardware Maintenance Requested by City Manager Midrange Support & Services, Inc.	\$36,510
	3) Motorola Radios & Batteries Requested by Fire-Rescue Services Motorola Inc.	\$76,662
	4) Wellfield Maintenance & Rehabilitation Services Requested by Utility Services Aquifer Maintenance & Performance Systems Inc.	\$120,000
c.	<u>Sole Source</u>	
	1) ESRI Software Maintenance Requested by City Manager ESRI, Inc.	\$27,400
d.	<u>Emergency - Hurricane Wilma (Phase I)</u>	
	1) Bagged Ice Requested by City Manager City Ice Company	\$47,778
	2) Repair to Wireless Link Requested by City Manager MCIS, Inc.	\$58,727
	3) Overhead Doors Requested by Municipal Services Electronic Door Lift Inc.	\$29,291
	4) Traffic Sign Blanks Requested by Municipal Services Cornerstone Business Inc.	\$73,523

5)	Fuel Requested by Municipal Services Amerada Hess Corporation, Mizner Park Citgo, Ron's Camino Real Mobil	\$79,046
6)	Lamp Fixtures Requested by Municipal Services Spero Electric Corporation	\$159,840
7)	Electrical Inspection & Repairs to Sports Lighting Requested by Recreation Services Lectra Living Inc.	\$54,000
8)	Disaster Recovery Services for Medians & Parks Requested by Recreation Services Superior Landscaping & Lawn Service, Inc.	\$25,000
9)	Tree Trimming/Pruning & Tree Removal/Stump Grinding Services Requested by Recreation Services Zimmerman Tree Service	\$115,000
10)	Disaster Recovery Services for Medians & Parks Requested by Recreation Services Hartzell Construction, Inc.	\$1,062,500

e. Resolution No. 205-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Agreement with the Florida Department of Corrections, Region III, Circuit 15, Community Corrections, for the purpose of improving the administration of criminal justice in Palm Beach County; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 207-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Agreement with Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A.; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 210-2005

A resolution of the City of Boca Raton authorizing the City Manager to submit an application for an Economic Development Initiative Grant from the United States Department of Housing and Urban Development to be used for streetscape improvements pursuant to the Pearl City Master Plan; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 211-2005

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in March 2006; rescheduling the first workshop and regular meetings in October 2006; and canceling the second workshop and regular meetings in December 2006; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 215-2005

A resolution of the City of Boca Raton approving and accepting a Warranty Deed from Country Club Maintenance Association Inc. over certain lands located at Military Trail and Yamato Road and authorizing compensation for costs which may be incurred for the relocation of a wall and appurtenances; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 216-2005

A resolution of the City of Boca Raton approving the City's Year 2006 State Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 217-2005

A resolution of the City of Boca Raton approving the City's Year 2006 Federal Legislative and Funding Priorities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 218-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 5 to Contract 97PB4 with the State of Florida, Department of Environmental Protection for the purpose of reimbursable funding for engineering, permitting, design and construction of the Boca Raton Beach Nourishment Project; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 219-2005 *(Revised 12/13/05)*

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Project Agreement 1B with Kaufman Lynn, Inc., General Contractors, for the construction of the Police/Fire Training Facility and to waive the applicable provisions of the formal procurement process; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 220-2005 *(Revised 12/13/05)*

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Project Agreement 2B with Kaufman Lynn, Inc., General Contractors, for the construction of the Fire Rescue Services Support and Training Facility and to waive the applicable provisions of the formal procurement process; providing for severability; providing for repealer; providing an effective date

p. Receive and File Board Minutes – December 13, 2005

- 1) A1A Landscape Task Force  
September 14, 2005  
November 9, 2005
- 2) Community Appearance Board  
October 18, 2005  
November 8, 2005
- 3) Community Relations Board  
October 17, 2005

- 4) Environmental Advisory Board  
September 15, 2005
- 5) Financial Advisory Board  
September 19, 2005
- 6) Historic Preservation Board  
October 18, 2005
- 7) Marine Advisory Board  
October 5, 2005
- 8) Planning and Zoning Board  
September 22, 2005  
October 6, 2005
- 9) Telecommunications Advisory Board  
October 6, 2005

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**REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:**

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt the Quasi-Judicial Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

4. Resolution No. 208-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Ravella Townhomes subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date

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

There were no items for consideration.

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

5. Resolution No. 204-2005

A resolution of the City of Boca Raton adopting the Evaluation and Appraisal Report for the 1989 Boca Raton Comprehensive Plan; approving adoption of the report in accordance with Section 163.3191, Florida Statutes; providing for severability; providing for repealer; providing an effective date (SC-04-18)

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation. She explained that the City's Comprehensive Plan must be reviewed on a regular basis, using specific criteria as outlined in the Florida Statutes. In November 2004, the City Council approved the major issue currently facing the City for incorporation into the Evaluation and Appraisal Report (EAR); a comprehensive review of the report was provided at yesterday's workshop. Ms. Simon advised that if this resolution was approved, the Department of Community Affairs (DCA) would review this report and, ultimately, the EAR-

based plan amendments to the Comprehensive Plan would be adopted in September 2007. At that point, a comprehensive multimodal feasibility study would be conducted, consisting of data collection of existing conditions, establishment of level-of-service standards for all modes of transportation, collection of existing and recommended quality-of-service factors, suggested improvements, and estimated costs. Ms. Simon 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 Haynie, seconded by Council Member Hager, to adopt Resolution No. 204-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

At this time, the agenda was re-ordered to consider Public Requests.

Eric Anderson, Joe Hish, Holly Maula, Debbie Smith, and Laura Kaufman came before Council to voice concerns related to the half-cent sales tax funds earmarked for the purchase of the property south of Boca Raton High School, and the lack of adequate athletic facilities, particularly baseball fields, at the high school and other school properties. Citizens were very frustrated with the lack of baseball fields, which is contributing to the already-overcrowded conditions at City facilities and Greater Boca Raton Beach and Park District facilities.

Sharon Stellic and Linda P. Bunch reported on speeding in their neighborhood, specifically on SW 13<sup>th</sup> Street, advising that police units were not in evidence to enforce the 20 mph speed limit; they also questioned the status of a proposed traffic circle at SW 9<sup>th</sup> Terrace. Mr. Ahnell stated that he would follow up on the traffic-calming program in that neighborhood, advising that some neighbors had issues with same; he then stated that he would ensure a police presence in the area to enforce the speed limit.

Council agreed that they were all in support of the land acquisition related to Boca High but noted many members of the public had expressed different opinions as to how the land should be used in the event it is purchased. In addition, there is a technical issue as to whether a ball field could be configured in that space. Council's consensus was that they would do everything possible to obtain the money and/or land, but it was up to the school, the principal, and the Student Advisory Committees to determine what is constructed.

Mr. Ahnell prefaced his comments about the shortage of ball fields by advising that, while the School Board has built new schools in Boca Raton, they eliminated three ball fields in that process. He then explained that the Greater Boca Raton Beach & Park District (GBRBPD) owns the ball fields at Sugar Sand Park. Consequently, the City (and the Parks and Recreation Department) must take its direction from GBRBPD in regard to prioritizing field usage, which, at this time, appears to favor the youth programs. Mr. Ahnell suggested that a meeting with the administration of the GBRBPD was needed to discuss field usage and find solutions.

There followed additional questions and answers between Council and Rick Anderson in regard to ball fields and the School District.

### **REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS: (Continued)**

6. Ordinance No. 4907 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by adding provisions for mixed use development along the North Federal Highway Corridor; providing for the deletion of the Highland Beach Wellfield Protection Area from Map 12 of the Comprehensive Plan Map Series; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-05-13)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, advising that this would be an abbreviated review as Senior Planner Chris Kerr had provided a comprehensive presentation of this ordinance at yesterday's workshop meeting. He explained that this item was being brought forward in order to implement one of the aspects resulting from the Boca Raton North Federal Highway charrette. Specifically, this ordinance would amend the Comprehensive Plan to add objectives and policies to the Future Land Use Element to provide for a mixed-use future land use category. Also included is a change to Map 12 of the Comprehensive Plan, deleting the wellfield protection overlay for Highland Beach's wellfields; Highland Beach is on record with this request. Mr. Annunziato then reviewed the four new policies and objectives proposed in this ordinance. These new regulations were reviewed by the Planning and Zoning Board and would be presented to Council for consideration when the Council addresses adoption of the new mixed-use Comprehensive Plan future land use category.

Mr. Annunziato advised that adoption of this ordinance would provide for the redevelopment of the North Federal Highway corridor in a manner consistent with the vision for North Federal Highway as reflected in the master plan resulting from the charrette; details were provided. The Planning and Zoning Board reviewed the mixed-use future land category and unanimously recommended transmittal of the proposed amendments to the Department of Community Affairs (DCA) and subsequent adoption of same by Council; staff also recommended transmittal to DCA and adoption following DCA's review. Mr. Annunziato then responded to questions from Council related to parking concerns, raised by the Planning and Zoning Board. Mayor Abrams also confirmed with Mr. Annunziato that applicability of this ordinance is exclusive to the North Federal Highway corridor, based on the intensive studies and analysis conducted for that area.

At the direction of Council, the presentation for Ordinance No. 4909 followed; at its conclusion, a combined public hearing for Ordinance Nos. 4907 and 4909 was opened.

7. Ordinance No. 4909 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 20.29 acres, more or less, generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Commercial (C) to Mixed Use (MU); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-04/SC)

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation, advising that this ordinance related to the project known as North Boca Village Center. Information regarding location, acreage, land use designation and zoning were provided, and the master plan was reviewed, which included six-story mixed-use buildings, the 29,494 square-foot Caldwell Theater, and a townhouse element. Square footages for retail, restaurant, office, and residential were provided, along with residential density and non-residential Floor Area Ratio. Staff reviewed the amendment and found it in compliance with the standards of consistency, compatibility, and concurrency as required by the Comprehensive Plan. In conclusion, based on the recommendations of the North Federal Highway Steering Committee and the Planning and Zoning Board, staff recommended transmittal of this ordinance to the Department of Community Affairs (DCA) and subsequent adoption.

Council confirmed with Mr. Kerr that the drawings/depictions presented were not relevant to the vote today and could very well change; the numeric demographics were the real focus of the presentation and vote. Council also confirmed with Mr. Kerr that there was nothing on the part of the City keeping the Caldwell Theater from beginning construction. Responding to Council, Mr. Kerr provided additional clarification related to building heights and setbacks.

Charles Siemon, the attorney representing the petitioner, the Newman Falcone Group, gave a PowerPoint presentation and spoke in support of North Boca Village Center, as did his client, Ric Newman. Mr. Newman advised that, per their agreement with the Caldwell Theater (to which the City is not a party), Caldwell cannot move forward unless the North Boca Village Center project is approved.

Deborah Oster, Tarina Rasmussen, and Jim Knight, speaking on behalf of the North Federal Highway Steering Committee spoke in support of the project. Chet Heath voiced also support, as did Michael Hall, speaking on behalf of the Caldwell Theater.

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

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to approve transmittal of Ordinance No. 4907 to the Department of Community Affairs (DCA) for review. 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 Council Member Baronoff, to approve transmittal of Ordinance No. 4909 to the Department of Community Affairs (DCA) for review. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

8. Resolution No. 214-2005

A resolution of the City of Boca Raton setting forth the City's intent to use the uniform method for collection of a special assessment to be levied upon all real properties located within the City of Boca Raton to fund a portion of the fire operations within the City of Boca Raton; stating a need for such levy; providing a copy of this resolution shall be forwarded to the Property Appraiser, Tax Collector and the Florida Department of Revenue; providing for severability; providing for repealer; providing an effective date

The City Manager gave the presentation, explaining that passage of this resolution would simply set up the methodology for implementing a fire assessment fee, which would be reflected on property tax bills next year as a special assessment; it would not set a fee tonight. Any rate that might be set would be determined during the budget process next September.

Chet Heath spoke in opposition, opining that the Fire-Rescue services available in northeast Boca were under-represented. Therefore, those residents should not be obliged to pay an increase in taxes until there was an increase in services.

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

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 214-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

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

9. Resolution No. 212-2005

A resolution of the City of Boca Raton authorizing the settlement of a workers' compensation claim for Alexander Mancus, a Building Inspector in the Development Services Department, providing for severability; providing for repealer; providing an effective date

Risk Manager Pam Gardner provided details related to the settlement of this case and recommended approval of the resolution.

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

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 212-2005. Motion carried 4-0; Mayor Abrams, Council Members Baronoff, Hager and Haynie voting yes.*

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

10. Ordinance No. 4911

An ordinance of the City of Boca Raton establishing the process and procedure for early voting for the March 14, 2006 election; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Haynie.

11. Ordinance No. 4912

An ordinance of the City of Boca Raton amending Section 23-108, Code of Ordinances, to establish the time for land dedications, and payments in lieu thereof, for park or recreational purposes; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Baronoff.

11.a. Ordinance No. 4913

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Haynie.

11.b. Ordinance No. 4914

An ordinance of the City of Boca Raton amending the Fiscal Year 2005-2006 budget through a budget amendment, relating to Hurricane Wilma; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Hager.

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

The Mayor again opened the floor for Public Requests; no one came forward to speak.

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

12. Resolution No. 206-2005

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

13. Resolution No. 209-2005

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 Resolution Nos. 206-2005 and 209-2005. She referred to the lawsuit the City is currently engaged in with the County regarding the dispute over the use of Countywide revenue to fund its Fire-Rescue dispatch services; the suit was filed last year. These

resolutions would include, in that original action, this subsequent fiscal year, which has seen the County take action once again within their financial budget to continue their position that they can use Countywide revenue to fund Countywide dispatch services. Ms. Frieser added that, last year, Boca Raton and Delray Beach proceeded independently in the action against the County; this year, approximately 11 municipalities have joined in this effort.

Council Member Haynie reported on the Legislative Delegation local bill's hearing today, saying there was much support for the bill; however, due to the litigation, the delegation chose not to support the bill. Ms. Frieser added that the League of Cities assisted in consolidating support for this issue and advised that the joining of the other cities in the suit is largely due to the League's efforts.

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt Resolution No. 206-2005. 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 Council Member Hager, to adopt Resolution No. 209-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Council Members Hager and Baronoff left the meeting at approximately 8:00 p.m.

#### 14. Selection of Canvassing Board Member

The City Manager advised that this was the annual selection of a Canvassing Board member to serve, along with the City Clerk and the Supervisor of Elections, on the Canvassing Board for the March 14, 2006 election. He stated that the designee could not be a candidate or someone actively participating in the election.

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Whelchel, to appoint Council Member Haynie as the Canvassing Board member for the March 2006 election. Motion carried 3-0; Mayor Abrams, Deputy Mayor Whelchel and Council Member Haynie voting yes.*

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

The City Manager advised that the item removed from the Consent Agenda, Resolution No. 213-2005, related to construction of the western library, which is currently behind schedule. The project is 80% complete at this time; however, due to ongoing issues, completion is not expected this summer as was previously anticipated.

Mr. Ahnell indicated that two items will be coming before Council in January, those being introduction of an affordable housing program and introduction of an Automatic External Defibrillator (AED) ordinance.

### **CITY ATTORNEY REPORTS:**

The City Attorney spoke to the issue of the new gift statute and explained that the bulk of the new law, regarding gifts and exchanges, applies to the Legislature with very little impact on municipalities.

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

Mayor and Council joined together in wishing everyone happy holidays.

Council Member Haynie advised that the grand opening of Boca Raton's Tri-Rail station is scheduled for Wednesday, January 18, 2006, at 9:00 a.m. She then reported that at the Legislative Delegation meeting today, Representative Booker stated that the Constitution prohibited legislative intervention when judicial proceedings have commenced; Ms. Haynie asked the City Attorney to verify the accuracy of this information.

Deputy Mayor Whelchel referred to plans being created by the Boca Raton Resort & Club (BRR) for the Beach Club parcel and asked that the BRR include any plans for the lake parcel as well since, historically, the two properties were always presented together.

Mayor Abrams referred to the Safe Schools Initiative, advising that a pilot program related to anti-bullying would be instituted at Addison Mizner Elementary School and Don Estridge High-Tech Middle School; he recommended that Council allocate \$5,000 to match the grant for the Safe Schools Initiative.

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Whelchel, to allocate \$5,000 to match the grant for the Safe Schools Initiative. Motion carried 3-0; Mayor Abrams, Deputy Mayor Whelchel and Council Member Haynie voting yes.*

**ADJOURNMENT:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 3-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel and Council Member Haynie voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:09 p.m. on Tuesday, December 13, 2005.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk